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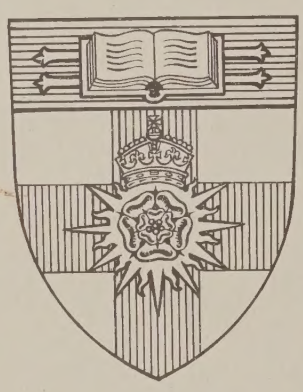

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REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

FIFTY-ONE VOLUMES.

—(*51.*)—

HISTORICAL MANUSCRIPTS—*continued.*

Session

29 *January* 1908 —— 21 *December* 1908.

VOL. LXI.

1908.

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FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

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FIFTY-ONE VOLUMES:—CONTENTS OF THE

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HISTORICAL MANUSCRIPTS (ROYAL COMMISSION):

[Cd. 3849.] Calendar of the Manuscripts of the Marquis of Bath preserved at Longleat, Wiltshire. Vol. III. (Prior Papers). p. 1

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HISTORICAL MANUSCRIPTS COMMISSION.

CALENDAR

OF THE

MANUSCRIPTS

OF THE

MARQUIS OF BATH

PRESERVED AT

LONGLEAT, WILTSHIRE.

Vol. III.

(PRIOR PAPERS.)

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The work of selecting and transcribing the letters and papers in this volume, on behalf of the Historical Manuscripts Commissioners, was begun by the late Mr. J. J. Cartwright, M.A., and completed by Mr. A. Maxwell-Lyte, B.A. The volume has been edited and passed through the press by Mr. J. M. Rigg, B.A., the index having been compiled by Mr. R. H. Brodie.

INTRODUCTION.

Hitherto the world has known little of Matthew Prior save as a man of letters; for as to the serious business of his life it was vain to seek for enlightenment in the misty account of his negotiations compiled by his executor Adrian Drift (2nd ed. 1740). This lack the present volume in some measure supplies; for, though it contains no state paper relating to the Treaty of Utrecht, it illustrates every phase of the earlier period in which, as successively Secretary to the Embassy and Minister *ad interim* at The Hague, 1693–7, Secretary to the Embassy at the Congress of Ryswick, 1697, and, finally, Secretary to the Embassy and Minister *ad interim* at Paris, 1698–99, Prior served his apprenticeship in the mystery of diplomacy. It contains, moreover, a "Journal of the Proceedings at Ryswick, 1697," drawn up under his personal supervision, which, with the subjoined Memoirs and the relevant correspondence, furnishes material for a clear and consecutive narrative of the entire negotiation from the first overtures of the French to the ratification of the treaty.

How far, then, it may be asked, do these papers elucidate the inner history of the treaty, and in particular how far do they serve to explain the immense concessions made by the French? In 1695 France had lost in Marshal Luxembourg her ablest general, and had good reason to be dismayed by the fall of Namur, but her position was still by no means desperate. It would have required more sieges, no little time, and much hard fighting to compel her to evacuate the Netherlands. Her financial straits were extreme, but those of the Allies were probably not less so, and the separate peace with Savoy (1696) enabled her to effect a considerable economy, and concentrate her forces where they could operate with most effect, on the Rhine and the Spanish seaboard. Her overtures for peace on the basis of the treaties of Westphalia and Nymegen therefore took the world by surprise, the more so as notwithstanding Callières' "*beau mot*, that we must make a peace on all sides, for we cannot make a war," lack of funds did not prevent the raising of recruits (p. 90, *infra*). Prior, however, was at first sanguine as to the result of the negotiation. "The success of the whole affair," he wrote, Nov. 2, N.S., 1696, "will depend upon the resolutions of our Parliament. France will certainly give more or less in the treaty as the people of England will proportionally give towards carrying on the war in case those offers miscarry; and however great our poverty is, we must hide it,

if possible, from the enemy" (p. 93, *infra*).* Nevertheless he was soon discouraged by the slow progress made towards the adjustment of preliminaries, which indeed was not effected until Jan. 1697. Their substance was the retrocession of Strassburg, Luxemburg and Dinant in the state in which they were taken, of Mons and Charleroi as they were at the date of the preliminaries, and of Lorraine as it was at the date of the Treaty of Nymegen, and the annulment of all reunions (*i.e.* annexations effected by chicane) made since that treaty (p. 101, *infra*).

Notwithstanding the settlement of the preliminaries, there was still a great deal of discussion (the Imperialists being disposed to haggle over everything, and the French to await the reduction of Barcelona) before the Congress could assemble at Ryswick (May), or the real work of negotiation begin; and by that time King William entertained such grave doubts of the good faith of the French that in default of express assurances on that head he was prepared to withdraw from the Congress. "His Majesty," wrote Prior, July 21–31, "with the greatest wisdom and calmness has let the French plainly understand that he will have peace or war, and does not think it expedient to protract a negotiation here which can be no way advantageous to his affairs or those of the Allies in general; and I believe this declaration will do more towards the procuring a speedy peace than all the *factums* and musty papers which can be given in to and transmitted by the Mediator here" (p. 142, *infra*).

This prognostic proved to be accurate: the subsequent course of the negotiations was comparatively smooth, and

* Some interesting matter relating to the financial crisis of 1696 will be found on pp. 79-82, *infra*. Prior, whose pay at that time was only 1*l.* per day with an allowance for "reasonable extraordinaries" felt the pinch sorely, and wrote piteously to Charles Montagu:—"My tallies I cannot sell under thirty per cent. loss; my aunt will not send me one farthing; the chain and medal the States gave me is at pawn; I have but two pistoles in the house or (to say plainly) in the world, and I have every morning a *levée* (God be thanked for the respite of Sunday) of postmen, stationers, tailors, cooks and wine-merchants who have not been paid since last December" (p. 86, *infra*).

Later on he wrote to Richard Powys, of the Treasury:—"Tallies at 45 per cent. may make a man mad, especially if he has but 20*s.* per day, but the wood, I hope, will sell better, and the allowance be augmented in some time." . . . . . "Some miracle may possibly mollify the hearts of the Treasury that we may get a little ready money for these bills and the ordinary appointments. Who knows? We should do well, I think, to try it, though I am ashamed to ask Mr. Montague anything when I fear to put him upon the hardship of refusing me" (p. 95, *infra*).

To which Powys drily replied:—"It must be a miracle indeed, as you say, if our Treasury give you ready money, for I can assure you our condition is such at present that there is not sixpence of disposable money, all that is in the Exchequer being either appropriated for the war or repayment of loans" (p. 97, *infra*).

Prior's means were eventually augmented, in a manner characteristic of the age, from the Irish establishment by his appointment to the office of Chief Secretary to the Lords Justices, which he held as a sinecure, the duties being discharged by a subordinate (pp. 117, 120, 126-129). This unsatisfactory arrangement, which naturally led to a dispute as to the division of the emoluments, the Lords Justices would have terminated by dismissing Prior, but his influence at Court proved strong enough to secure his retention of the place (pp. 144-5, 186, 211, 266-8, 280, 283, 300, 310, 367, 375-8).

on Sept. 20, N.S., 1697, the treaty was signed with no other concession to France than the renunciation (not without compensation) of the claim to Strassburg.

There is nothing in the papers to explain so almost total a surrender of the fruits of so many years of fighting and chicane, unless we may accept Prior's statement that Madame de Maintenon was the real peacemaker. "Madam Maintenon," he writes from Paris, April 10, N.S., 1698, "is our friend and will keep the Peace, if possible, *as she made it*, not out of any kindness she has to us, but from a notion that the King's engaging in business impairs his health. 'Tis incredible the power that woman has; everything goes through her hands, and Diana made much a less figure at Ephesus. Her niece had t'other day in money and jewels with the Duke de Noailles' son a better fortune than a daughter of France had formerly; and the aunt received the visits of the Court upon it in bed, it being concerted that the Duchess of Burgundy should have a chair set her and refuse to sit, excusing herself upon the shortness of her visit, and that, the Duchess not sitting, the other ladies and princesses could not pretend to it" (pp. 204–5, *infra*). Again, April 24, N.S., 1698, he writes :—

"The King particularly has no mind to enter into a new war, and Madame Maintenon (our good friend) increases that pacific humour in him by telling him that all business is destructive to his health. He is so attentive to this doctrine that he has said, if the King of Spain dies, he leaves the succession to be determined by the Council, whose determination he will not oppose by way of arms, except they give it to the Emperor's second son. In the meantime Madam Maintenon governs him as absolutely as Roxalana did Solyman. He lives at Marly like an Eastern Monarch making waterworks and planting melons, and leaves his bashas to ruin the land, provided they are constant in bringing in their tribute" (p. 208, *infra*).

These letters from Paris are in a literary sense the cream of the collection, for with little else to do than to record his impressions and report the gossip and scandal of the hour, Prior could hardly fail to be entertaining; and he is never more entertaining than when he writes in French. How excellent is his characterisation of Louis XIV. in his letter to Albemarle of March 1, N.S., 1698 :—

"Le Roy a beaucoup de santé pour un homme de soixante ans et plus de vanité qu'une fille de seize. On n'a qu'à voir sa maison pour en mépriser souverainement le maître; bas-relief, fresco, tableaux, tous représente Louis le Grand, et cela d'une manière si grossière que le Czar y trouveroit à redire. Il ne sçauroit cracher dans aucun coin de ses appartements sans voir sa propre figure ou celle de son lieutenant le Soleil, et sans se trouver Héros et Demidieu en peinture" (p. 195, *infra*).

Nor does Prior fail to record in sufficiently caustic terms his opinion of the King's ministers, puppets like their master in the hand of the Maintenon :—" Pontchartrain est universellement décriê comme qui l'entend les finances le moins et qui ruinera le plustôt. Torsi n'a point de génie : tout son mérite est d'être né Colbert, et d'avoir épousé la fille de Pomponne. Ce dernier a la réputation d'honnête homme, et il est reconnu pour le premier ministre après la Maintenon (cela s'entend toujours). C'est prodigieux que le pouvoir de cette vieille gouvernante sur l'esprit de son pupil royal de soixante. Il n'ose rien faire sans elle ni luy refuser tout ce qu'elle veut. Il y a quelques jours qu'un petit employ fut donné par l'intercession de Mons. de Torsi à un de ses amis : l'ordre étoit dépêché, et l'affaire comme faite : un autre s'addressa plus heureusement à la Maintenon : elle envoye sur le champ un valet seulement au secrétaire, et dans un quart d'heure tout estoit changé : la première commission estoit anéantie et une autre présentée au Roy pour être signée en faveur du dernier suppliant " (p. 201, *infra*).

Nor can we omit the following admirable piece of persiflage :—

" Nous revinmes hier de Versailles, et fûmes l'autre jour dans les jardins avec le Roy, qui promena my Lord par tout. Si c'étoit un compliment fait à my Lord par Sa Majesté ou une ostentation de sa propre grandeur, qu'importe il ? Elle fit sçavoir à son Excellence qu'elle avoit inventé et ordonné tout, qu'elle en avoit dressé les plans, mis en diverses rencontres les architectes à la raison, et à force de dire cecy souvent sans avoir été contredit, à la fin je pense qu'elle commence à le croire. Monsieur étoit obligé de confirmer tout ce que son grand frère disoit, et une demi-douzaine de cordons-bleu y faisoit le chorus, et faisoit remarquer à nous autres combien *gracieux* étoit leur Roy chaque fois qu'il fit à quelqu'un de nous autres la moindre inclination de tête. *Gracieux*, par parenthèse, est le mot à la mode : un homme est *gracieux*, c'est à dire honnête ; une femme est *gracieuse*, belle ; on chante, on mange et on joue *gracieusement* " (p. 212, *infra*).

During his residence at Paris, the exiles at St. Germains of course engrossed a great deal of Prior's attention. The favour shewn them at the French Court, their evident hopes of a speedy restoration, half amused, half alarmed him ; and he was at infinite pains to fathom their supposed designs, and sent regular reports to Secretary Vernon of such information as he received from various correspondents who professed to be in the secrets of the Jacobites. It is evident from the correspondence that neither Prior nor Vernon attached undue importance to these communications. Prior, writing to Lord Jersey, June 24, N.S., 1699, describes the principal correspondent as follows :—" Brocard, as we call him, is Tr . . . an

Irishman encouraged by Mr. Vernon ; his pretended business is merchandise of English things, as stockings, hats, etc., under which notion he gives our friends at St. Germains an account of things in England ; he is well with them, and particularly with my Lord Middleton's party. It was this man that amused us all last winter with a story of a fellow sent into England by Frank Stafford ; however, though he has not been very useful, he may be so : he costs us between two and three hundred pounds per year " (p. 360, *infra*. Cf. pp. 274-5, *infra*). The rogue was soon afterwards " found out, and was ordered to leave St. Germains " (p. 378, *infra*).

The style in which Prior writes of the late King and Queen is regrettably harsh, not to say, brutal. He has no pity for fallen greatness, and notes with evident exultation the old and worn appearance and stooping gait of King James, adding, " the Queen looks ill and melancholy ; their equipage is mighty ragged, and their horses are all as lean as Sancho's " (p. 257, *infra*). And in another letter he writes :—

" I faced old James and all his Court the other day at St. Cloud. *Vive Guillaume* ! you never saw such a strange figure as the old bully is, lean, worn and riv'led, not unlike Neal the projector ; the Queen looks very melancholy, but otherwise well enough ; their equipages are all very ragged and contemptible " (p. 259, *infra*).

Nevertheless he strongly deprecated the meanness of withholding from the Queen her stipulated pension. " Do we intend, my dear Master," he wrote to Montagu (p. 260, *infra*), " to give her the fifty thousand pounds *per annum*, or no ? If we do not, I (or rather my Lord Jersey now) should be furnished with chicaning answers when we are pressed upon that point, for it was fairly promised, that is certain ; if we do, the giving it openly and generously would establish the King a reputation in the minds of the French, which, if we give twice that money to purchase, would not, I think, be bought too dear : but this is my own sentiment and to my own Master : for the rest, *quae supra nos nihil ad nos.*"

The following extract shows the friendly and indeed familiar footing on which King James stood with King Louis :—

" Our friends of St. Germains shine extremely at Fontainebleau : all the court is made to Queen Mary ; everybody is at her toilette in the morning, from whence the King of France leads her to chapel : the two Kings and the Queen in the midst sit at the head of the table at dinner with equal marks of distinction and sovereignty, and '*à boire pour le Roi d'Angleterre !*' *ou* '*pour la Reine*' is spoke as loud and with the same ceremony as '*pour le Roi*' when they mean their own King. It is really not a right figure which we make, being here at Paris whilst all the other ministers are at Court ; and on the other side, I know not what we should do there,

or how behave ourselves in a place where the two Courts are inseparable" (p. 277, *infra*).

Very early in his career Prior was complimented by Sir William Trumbull on having "found the secret of joining two things generally thought incompatible, poetry and business, and both in perfection" (p. 79, *infra*); nor, when due allowance is made for the taste of the age and the style of the courtier, will the eulogy be found to be devoid of truth. On his appointment as Secretary to the Embassy at Ryswick, Prior wrote to his friend Charles Montagu with pardonable pride, that he had "got it with the advantage of having the King say that he was satisfied with my service, and thought my requests reasonable" (p. 87, *infra*); and there appears to be no doubt that, as long as he lived, William's satisfaction remained unabated. During great part of his time at Paris Prior was virtually ambassador, for Portland's mission terminated in May, 1698, Jersey did not arrive until the following September, and was absent during November and December, and Manchester, who was appointed to succeed him upon his recall in April, 1699, delayed his coming until the following August.

In consideration of the increased responsibility thus laid upon him the King was pleased to double Prior's allowance from the time of his departure for France.

It was, however, but natural that Prior should be dissatisfied with an employment in which he bore the burden but had neither the acknowledged position nor the full pay, while he was bound to maintain as much as he could of the state of an ambassador. He also felt aggrieved that he was not sent as envoy to Nancy upon occasion of the marriage of Mlle de Chartres to the Duke of Lorraine, a commission to which he deemed himself entitled by his long service, and his acquaintance with the Duchess, and in which his "fine clothes and new *livrées* made for my Lord Jersey's entry" would have "come mightily in play" (pp. 279, 299, 308, *infra*). Hence on Jersey's appointment to the office of Secretary of State he was eager to return home and serve under him; which he humorously describes as "descending from the high rope to tumble more safely upon the ground." "For God's sake," he continues in the same letter (to Charles Montagu), "will you think of a little money for me? for I have fluttered away the Devil and all in this monkey country, where the air is infected with vanity, and extravagance is as epidemical as the itch in Scotland. My bounty money from the King is now due, five hundred pounds; if one could get a warrant signed for it till you thought a little of my arrears; for to be pawned in France and lose my hopes in England at one time is too much for any man to bear who was not born under the star of Colonel Powers" (pp. 326–7, *infra*). Finding that both Montagu and Vernon were of opinion that the

public service required that he should await Lord Manchester's arrival, he wrote imploringly to Portland :—" I hope it is determined that I come back as soon as my Lord Manchester arrives here : Mr. Mountague may compliment me as handsomely as he pleases, but I will not begin the trade a fourth time, except, I say, His Majesty commands me ; and in that case, if it were to live in the Highlands of Scotland (which, with respect to Lord Selkirk's better judgment, is not the happiest place upon earth), I should be very far from disputing it, or murmuring " (p. 336, *infra*).

Prior was in correspondence with Portland while the first Partition Treaty was on the *tapis*, and his letters reflect the nervousness which then prevailed at the French Court. A strong squadron, " thirty or thirty-two ships in all, besides twenty-eight galleys," was equipped for service in the Mediterranean. Villeroy was " mighty inquisitive " as to the strength of the English militia (pp. 234–5, *infra*). A report that Count Harrach had " proposed the perpetual government of the Milanois for the Archduke " made " a good deal of noise," and there was much speculation among the politicians as to what " we should do in this conjuncture. I told them freely that my opinion did not signify much, but it was that we should be in a condition not to be hurt in the scuffle, but to preserve our own and make the figure we ought of holding the balance of Europe right. From thence we come to talk of the King our Master ; it is impossible to tell Your Lordship the excessive praises they gave him : Count Guiscard went further on this head than Your Lordship can imagine, and though I bore it with a seeming modesty and *retenue*, it made me as proud as if I had taken Namur myself " (p. 248, *infra*).

It would seem that Prior at first thought the first Partition Treaty a masterpiece of statecraft. At any rate he wrote to Vernon, Nov. 19, N.S., 1698 :—" I believe measures are pretty well settled towards the maintaining the Peace in case the crazy King of Spain should die. I have more than barely my opinion in this point, but as it is a secret into which I am let, I beg of you to let it rest in your own bosom till you hear of it otherwise " (p. 293, *infra*) ; and in a subsequent letter (to Dorset) announcing the King of Spain's nomination of the Electoral Prince of Bavaria as his heir, he observes :—

" This succession of Spain is mostly our King's contrivance and effecting. Some faults he has, or else he would not be a man ; as to his character of a Prince, he has carried his reputation to a prodigious height, and this affair must be allowed to be a proof of it beyond denial " (p. 305, *infra*). Yet in 1701 Prior voted for the impeachment of Portland, Somers, Orford and Halifax for the parts they had taken in advising and negotiating this and the subsequent Partition Treaty ; and at a later period he declared that he had never " much approved " the policy.

Prior's long residence abroad and his large and varied experience of affairs of state had taught him to view the English system of government by party with unmitigated disgust, which was vastly increased by the recklessness with which the Commons reduced the forces of the Crown at a time when France was prepared for war, all Europe was expecting in breathless suspense the imminent demise of the King of Spain, and the arrangement effected by the first Partition Treaty had been upset by the death of the Electoral Prince of Bavaria (pp. 313–14, *infra*). In this connection a peculiar interest attaches to the exposition of his own theory of kingcraft contained in the letter to Portland of March 11, N.S., 1698–9 and its sequel of March 18 (pp. 318–21 and 324, *infra*), a theory substantially the same with that afterwards developed by Bolingbroke in the *Idea of a Patriot King*, and reduced to practice with no very happy results by George III. during the earlier part of his reign. From Portland's reply, March 16–26, it would seem that these letters were laid before the King. "Vos lettres ne sont veues que d'un seul, là où ils vous font du bien. Soyez seur que je vous ayme trop pour en faire un autre usage" (p. 326, *infra*), whereon Prior comments :—"By that *un seul de mes amis* that saw my letters Your Lordship either means yourself alone or one other who had the greatest right and reason in the world to see them" (p. 329, *infra*). And from Portland's indirect reply, "Je vous ay témoigné dans ma précédente la satisfaction que l'on a eu des sentiments que vous aves marquez sur les affaires de ce pais, qui n'ont estez veus que de celui seul qui a le droit de les voir" (p. 332, *infra*), it is manifest that Prior had guessed rightly. We may, therefore, fairly suppose that these letters were not without their influence on the royal counsels as evinced in the subsequent reconstruction of the administration upon a broader bottom.

The letters of the Earl of Manchester (pp. 379–429, *infra*) serve to supplement those printed long ago by Christian Cole in *Memoirs of Affairs of State*, 1697–1708, London, 1735.

The later correspondence throws little light on the course of public affairs. Such interest as it possesses is mainly biographical and literary ; and it must be owned that in Prior's letters to Lord Harley there is a deplorable degree of sameness. Prior was now a disappointed and needy man. His part in the negotiation of the Treaty of Utrecht had all but ruined him. Though in effect ambassador at Paris after Shrewsbury's departure (August, 1713), he had been both inadequately and irregularly paid. Upon the change of Government he had had much ado to induce the Treasury, though his old friend Montagu, by that time Earl of Halifax, was at its head, to furnish him with the funds to pay his debts (pp. 445–7 *infra*, and vol. i. of this Calendar, pp. 235, 237) ; and he had returned to England to find his public life closed by

impeachment and imprisonment. Prematurely aged and infirm, he was thus, as at the outset of his career, almost entirely dependent on his pen and his patron. No wonder, therefore, that his gaiety is somewhat forced and his flattery at times fulsome. The sale of his works and Lord Harley's bounty in course of time secured him a modest competence and a villa at Down, Essex, for the adornment of which he called to his aid all his *virtuosi* friends; but he did not live long to enjoy his hard-earned *otium cum dignitate*.

Nor do Prior's correspondents make us much amends for the disappointment which his own letters cause us. There are indeed two characteristic letters from Atterbury (pp. 451–2, 456–7, *infra*), and three letters from Swift (pp. 464, 478, 481, *infra*), but the latter are of no great interest. For the rest, the Abbé Gaultier with evident sincerity deplores Prior's ill treatment by his country, and assures him of his own and Torcy's unalterable regard (pp. 461–2, *infra*).; the Duke of Buckingham returns *Solomon on the Vanity of the World* with a preposterous compliment, and Lord Bathurst protests that he is in love with *Alma* (p. 458, *infra*); the Countess of Sandwich sweetly acknowledges the gift of their author's likeness (p. 479, *infra*); Lord Chesterfield cites Alcidiana, "that great and extraordinary lady," in praise of the *Nut-Brown Maid*, (p. 466, *infra*); Mrs. Manley, announcing the revival of *Lucius* for her benefit, craves for "gracious Mrs. Oldfield," who is to speak Prior's "admirable epilogue," the advantage of his instruction (pp. 479–80, *infra*); and letters from Richardson Pack, John Dennis, Giles Jacob, and Charles Gildon further illustrate Prior's relations with Grub Street.

J. M. Rigg.

THE MANUSCRIPTS

OF THE MOST HONOURABLE

THE MARQUIS OF BATH.

VOL. III.

THE PRIOR PAPERS.

MATTHEW PRIOR to his UNCLE.

1685, July 18 [-28].—"If my necessity, Sir, encourages my boldness, I know your goodness sufficient to excuse one and relieve t'other. I am very sensible what expences my education puts you to, and must confess my repeated petitions might have wearied any charity but yours; but since I have no advocate, no patron, no father but yourself, pardon that importunity which makes me seek the kindness of all these in you, which throws me at your feet to beg at once your blessing and assistance, and that, since your indulgence has set me safe from shore, you would not let me perish in the ocean." *Copy.* (X. d.)

THE SAME to MRS. KATHARINE PRIOR.

1685, August 11 [-21].—"My neglect, Madam, is but a new occasion for you to exercise your goodness on. You, like heaven, can as often return a pardon as I give up my repentance; the truth of which, Madam, be pleased to accept as well in honest prose as in bad verse: though, Madam, this afflicts my zeal, that the oracle never answers. My religion depends much upon faith, and I can tell no more news from my heaven than the astrologers from theirs, unless like them I fairly guess at it. I should really be afraid to write did I imagine your silence proceeded from your anger. I am extremely willing to attribute it to your hatred which you said you had to writing. That was in your last letter dated a considerable time ago. I'll swear to show both how Your Ladyship abhors pen and paper, and what reason I have to complain. If your own goodness will allow me one letter a year, after the great satisfaction of hearing how you do, let me know if *Jenny does fill out grains in ivory pails;* if Mrs. Wilson be not still out of humour because her house is not burnt; if Mrs. Watson thinks her windpipe secured

by this time, and that cribbage of a Sunday night is not Popish doctrine. Now to be serious, Madam, with ten thousand thanks for all your favours and as many prayers that you would renew them by a letter, wishing you as much health as a country parson in the dedication of his sermon to his patron, I am, etc." *Copy.* (X. e.)

MATTHEW PRIOR to DR. HUMPHREY GOWER, Master of St. John's College, Cambridge.

1685.—"The great Richelieu is confessed not only to have pardoned but encouraged Boileau's muse, whilst she [as] boldly showed as happily prevented the barbarity of their language: and a Prelate of our Church, in worth and excellence scarce inferior to the then famous Cardinal, is known to have endeavoured the like kindness to ours. These eminent examples have given me this present presumption; made me without blushing bring poetry to the most religious man and satire to the best natured. However unlike this attempt may prove to those excellent pieces, 'tis written with as honest a design and has as great a patron, I hope, to protect it: it may discover the disease it cannot cure; let our translators know that Rome and Athens are our territories; that our Laureate might in good manners have left the version of Latin authors to those who had the happiness to understand them; that we accuse not others, but defend ourselves, and would only shew that these corruptions of our tongue proceed from him and his tribe, which he unjustly casts upon the clergy. Thus, Sir, I humbly throw this trifle at your feet, hoping the product of my vacant hours may prove the diversion of yours, and too well assured of the greatness of your kindness to fear the severity of your judgment." *Copy.* (X. f.)

Enclosing a copy of verses on the modern translators.

JOHN III. OF POLAND to JAMES II.

1690, August 28. [N.S.] Warsaw.—Recredential letter for M. du Teil, envoy from James II.; wishing that Prince better success in the future. *Latin. Copy.*

"N.B.—This envoy, Du Teil, is a minister of France employed by King James." *French.* (XX. 1.)

QUEEN MARY to the STATES GENERAL.

1691, August 7 [-17]. Whitehall.—Letter of thanks for their congratulations of the 4th instant on the recent victories in Ireland. *French. Copy. Signed. Countersigned by the Earl of Nottingham.* (XX. 3.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1692-3, [January. The Hague.]—"'Tis always my duty to send Your Lordship the news from this side, though at

present it is very bad. Furnes and Dixmuyde are lost; the enemy set down before Furnes, the 5th, afternoon, opened their trenches in the night, and the next morning summoned the Governor Count Hoorne to render the town, which he did upon capitulation, himself and the garrison marching with two pieces of cannon to Nieuport. This he did, they say, upon letters from the Elector of Bavaria, that in case of extremity he should save the garrison and quit the place; and upon his knowing that the Elector could not relieve him, the French having raised their batteries and possessed themselves of the Downs on one side, and the sluices being all broken, and the ways unpassable on the other side between Furnes and Nieuport.

"Dixmuyde falls in course: the garrison of that place is likewise retired to Nieuport, whence the Elector is gone to Ostend to give orders concerning the state of that place, in case the French should attack it." *Copy.* (X. 1.)

Matthew Prior to the Earl of Nottingham.

1692–3, January 13–23. Hague.—"On Wednesday Major Guidet returned with the Duke of Gourdon his prisoner. The Major expected that I should have received orders for him from Mr. Blathwayt, without which he did not know how he should dispose of the Duke. Not having received such orders, I waited on the Pensioner who has given a warrant by which the Duke is confined in the Castlenye, which is the best prison here, and commanded me to write to Mr. Blathwayt, which accordingly I do.

"We have no news except that the generals of the Allies continue their council of war at Cologne, and are apprehensive that the French design again upon Rhinsfeld." *Copy.* (X. 2.)

Matthew Prior to [James] Vernon.

1693, February 10. N.S.—"When you have done me the favour to write to me, in justice one would think I ought not to answer you when I have little to return besides the impertinence of my thanks; be pleased to excuse me, and be partial to the duty the son owes you where otherwise you would blame the babbling of the Secretary.

"The French lay in such stores and ammunition at Namur and Maubeuge that we fear they design to besiege Charleroi. We have sent a supply to that place under the conduct of Gravenmore with about 3,000 horse, which is safely come thither: if you do not soon finish your parliament matters, and send us our King over, we shall make but sorry work in Flanders. We begin to hope well on the Rhine, since Prince Lewis of Baden is to come there, besides what forces the Emperor sends. He asks four regiments of His Majesty: can you spare them? I know not if you have

heard that the Elector of Saxe and the Duke of Zell have entered into the alliance made between the King and the States.

"Further North or N.E. (to talk like a geographer) matters might yet be accommodated. Sweden desires only some ease in what relates to the traffic. Baron Jauls [Juels], who is there from Denmark, has found (at least in appearance) no great reception, and it is talked that a marriage is on foot between the Princess of Sweden and the King of the Romans. You are best able to judge of Denmark by the treatment which you will see allowed to their ships in England; for from that I believe the States will take their measures.

"So far politics: now for philosophy, and pray, dear father, are not you a little too serious, when you talk of leaving the world at a time where it could not subsist, *sine fortibus bonisque tuique simillimis?* And why would you leave it without being able to give a good account of it, since you never used to leave anything at that rate? Patience has been a very good recipe ever since Job's time, and you of all mankind, (if your modesty does not suffer too much in the advice,) should apply the remedy, since you have merit enough to have that patience rewarded in spite of all that fortune can resolve against it." *Copy.* (X. 4.)

MATTHEW PRIOR to [RICHARD] WARRE.

1692–3, February 3–13. Hague.—"There is a person named Clerck now at Rotterdam, represented to me as one highly disaffected, and who in all probability is lately come from France, though he pretends to have been in Italy. He designs very shortly for England, he not yet asked a passport, and I believe will endeavour to get over without one. I have advised Mr. Vander Poele, Master of the Post at The Briel, to have an eye upon him, and the Postmaster at Harwich likewise. I think it likewise my duty to advise you of the information I have received that he may be examined at Westminster, whither I hear he intends in case he escape us here." *Copy.* (X. 7.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1692–3, March 3–13. Hague.—"After having for some years together admitted the French, and even the Catholics of them, into all manner of conversation here, we are grown wise enough to imagine that some of them are spies: the States have sent out warrants, upon which many here, at Amsterdam and other towns of Holland, are taken, and their papers secured: and Mr. Dyckvelt, who is now at Brussels, is charged to desire the Elector of Bavaria, that the same search may be made in the Catholic Provinces.

"In Flanders we are much obliged to the bad weather, which alone has, I believe, saved Charleroi hitherto. The

great number of boats with bombs and carcasses which the French have along the Maas, and the orders their troops in garrison on that side have to be ready to march at the first warning, seem still to threaten that place, which I do not know if we can hinder them from, if the snow and wind stand neuter.

"The affairs of the Allies are better than we could reasonably expect. The Elector of Brandenbourg has informed the States that the 6,000 men, which are upon their appointment, are ready to march, and wait only their orders. The Elector of Saxony is come entirely into the Confederate interest, having signed and exchanged the Treaty upon the same foot with that made between His Majesty and the States General in '89. He expresses a great desire to do something this campaign, and will march in person with 12,000 men, as soon as the season will permit, and has already sent Count Sternberg, his Lieutenant General, before, to view and provide his magazines. The Emperor has cunningly enough made this Elector an obliging compliment in sending to Madame Neusch, his mistress, the title of Countess.

"Sweden has approved the ninth Electorate, and Mr. Horne, envoy from that Crown at Vienna, has assured the Emperor that his master will not engage with the discontented Party, or do anything to the prejudice of the Allies; so that Denmark is not likely to give much disturbance. Mr. Bonrepos has had a private audience there; however, it is thought he will scarce be able to do more than renew the Treaty of Neutrality expired in December last, and Mr. Hop, who is at Copenhagen from the States, has only obtained a promise that French Capers shall not harbour in Norway.

"There is nothing sure from Turkey but that we cannot this summer have a peace. The French Minister at the Porte has bribed high; which (as our circumstances are) we cannot do. There is a report written from thence to the Imperial Minister and to several here, that Sultan Mahomet is dead, and that the Grand Vizier and the Aga of the Janazaries are strangled by the people, who will have a peace. I beg Your Lordship's pardon that I write this to you, since I doubt the truth of it." *Copy.* (X. 10.)

MATTHEW PRIOR to the EARL OF PEMBROKE.

1693, April 3. N.S. Hague.—"'Tis uncertain what methods are to be taken in Flanders till His Majesty's arrival here. We are pleased that we have Charleroi still ours, for which we are obliged to the wet weather. The design of the French to attack it seems to be now over; they having disposed of the stores and ammunition which they had upon the Maas into Namur, Dinant and Charlemont. The Marquis de Boufflers is now at Philippeville, where he has made a review of fourteen squadrons. The sea affairs of Holland are in

good posture. The Admiralties of Amsterdam and the Maas have let the States know that most of their ships are now ready for Zeeland. Your Lordship knows their privateers are usually more ready than their ships of war. Mons. d'Odyck is gone thither to hasten their preparations. We hope to do something on the Rhine; the Elector of Saxe, who gives 12,000 men effective, will do yet a better thing, which is to leave the command of them to Chauvel, an experienced General of the Duke of Zell, and pass the campaign at Frankfurt with his mistress, who is with child and designs to lie in there.

"The Emperor has obliged him by making her Countess of Ratelitz.

"The opposition made to the ninth Electorate grows daily less; Sweden's having declared for it, and the Emperor's resentments concerning it have frightened the less Princes, so that they are content to retract their *Declarationes Nullitatis*, or let them die at Ratisbon by sending no memorial to confirm them.

"One may easily perceive that this has turned the bias of Denmark: the Prince of Denmark seems mightily diverted with Holland, and stays to wait upon His Majesty's arrival here; some about him give out that he has not been used with respect enough in France. The French certainly understand good breeding. I am glad the Prince says the contrary: his resentments against France and his liking to Holland came, I believe, a fortnight since from Copenhagen. We hope Prince Louis of Baden will command on the Upper Rhine, though the great talk at Vienna is that he shall dispose affairs there, and command in Hungary, where the Turks will be very strong, and push on predestination as far as it will bear." *Copy.* (X. 19.)

GILBERT BURNET, BISHOP OF SALISBURY, to MATTHEW PRIOR.

1693, April 5 [-15]. Salisbury.—"I have received two very obliging letters from you, and with the last the box of medals was brought to me. I must humbly thank you for your great care, and beg the favour of you to give my most humble thanks to my Lord Glenorchy for the trouble he gave himself in bringing them to The Hague and his care in delivering them to yourself. I wish I knew how to answer the goodness you are pleased to have for me in a more effectual manner, but whensoever you are pleased to let me know how I can better express the value and esteem I have for you, I promise you I shall not be wanting in my utmost zeal." (II. 1.)

SWEDISH MERCHANTMEN.

[1693, after May 21. N.S.]—Reply to the memorials of Count Oxenstiern of May 14 and 21, to William III., complaining of the detention of Swedish vessels and merchandise

in September, 1692, contrary to the terms of the treaty of 1661. *French.*

Draft in Prior's handwriting. (XX. 11.)

MATTHEW PRIOR to [ADAM] CARDONNEL.

1693, August 19–29. Hague.—Explaining a "little scheme" for the remedy of abuses in the granting of passports from Holland to England, which had been approved of by Secretary Trenchard. *Copy.* (X. 21.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1693, September 1. [N.S.]. Hague.—"'Tis confirmed on all hands that St. Brigides is taken, but it is uncertain if the Duke of Savoy will go on to besiege Pignerol, most of the general officers in a council of war having given their opinion that it is more advisable to endeavour to engage Mons. Catinat, before the detachments from Catalonia and Germany join him.

"Our campaign in Flanders is well-nigh ended. The French have suffered so much in the late battle, and by a sickness that reigns in their camp, that they can hardly attempt Charleroi: they have sent off their great cannon, and pioneers. Your Lordship will be informed of the state of our army, by the letters that come immediately thence.

"His Majesty has made the Duke of Holstein-Pleun [Plön] first Field Marshal (which charge has been void since Prince Waldeck's death): the Duke is expected here within twelve days. The Duke of Wirtembourg has the Regiment of the Guards, and is made General of the Dutch Foot. The States are very well pleased with the promotion of these two strangers, but the Prince of Frise has left the Army upon it; the Prince of Birkenfeld and Count Nassau of Sarbruck 'tis generally said, ask their *congé.*

"The business of Ratzebourg is at a stand. The King of Denmark cannot be prevailed with to make peace, and yet has no very great mind to make war. He has invested the town, yet ordered that not one bomb shall be thrown into it till he comes in person, and possibly yet defers his coming that he may be the more entreated to keep away. Some of his Ministers press him on very earnestly, which we take for a sign that France has bribed high." *Copy.* (X. 23.)

THE SAME to THE SAME.

1693, September 4. [N.S.]—"The Duke of Savoy loses the occasion of besieging Pignerol, and is gone to look after Mons. Catinat in the mountains, to reinforce whom the French have made a great detachment of 15,000 from the Rhine. The campaign seems over in Flanders. The Duke of Holstein-Pleune arrived yesterday at the Army, and the King is expected the 5–15 instant at Loo.

" The Danes began on Tuesday last to bombard Ratzebourg, and will not be contented with less than the demolishing the fortifications of that place, and the Lunebourgers retiring from it, till the whole matter is renewed and adjudged by the laws of the Empire." *Copy.* (X. 25.)

MATTHEW PRIOR to the EARL OF PEMBROKE.

1693, October 10–20.—" His Majesty waits only the change of the wind to embark for England; the convoy we expected thence is not yet arrived. The inclosed gives Your Lordship the particular of our affairs in Piedmont with which I presumed to trouble Your Lordship last post. We have no other public news. My Lord Dursley has asked and obtained his *congé* to quit Holland entirely. I know not how Fortune may dispose of me, or if she takes any care at all of such little people as I am. I am sure of Your Lordship's favour if anything should be proposed for me, and beg the continuance of your goodness." *Copy.* (X. 28.)

[GEORGE] STEPNEY to [? SIR JOHN TRENCHARD] at Whitehall.

1693, October 20. [N.S. Vienna.]—" The ill news we have received this day of Count Stratman's death makes me take the liberty of giving you this short account, with [*sic*] the character of the Imperial Court and the chief Ministers, with some guesses what change this accident may produce there.

" The Count, though in rank he was but low in the Ministry, yet by being Chancellor of the Court, that is, having the care of the business relating to the Emperor as Archduke of Austria and those other hereditary countries annexed to that title, he had the most frequent access to his person, and was honoured with the greatest part of his confidence of any of the Ministers; and indeed had the greatest talents of capacity and zeal for executing what was necessary for His Imperial Majesty's Service, and for the public interest.

" His beginning was ordinary, having been little better than a clerk in the Duchy of Clèves, and consequently subject to the Elector of Brandenburgh, from whence he removed to the Court of Newburgh, and was entertained by the late Elector Palatine; where, after having distinguished himself in several weighty commissions, he at last attended the present Empress at her marriage to Vienna, and through her favour and his own merit, worked himself to the greatest credit, honours and riches that a man of fortune is capable of. It is objected against him that he did this at the expense of his religion, and that finding himself well settled towards the latter end of his days, he fell into a careless luxurious way of living, as if he affected to let the world see he would enjoy the fruits of his labours.

" He was employed in France at the same time when Mr. Meinders was there, and was formerly entangled in that interest,

but since his removal to the Imperial Court and the part he had in the Peace of Nimegen, he utterly abandoned that party, and has given signal proofs of his fidelity to the House of Austria and to the Allies during this war.

"To speak of the prior of these, I mean the House of Austria, would draw me into too long a digression; it is enough to say that the crowning the King of Hungary and choosing the King of the Romans were at his advice: but, what nearer concerns me, it was by his persuasions that the Emperor first heard the Baron Görtz, President to the Landgrave of Hesse, whom His Majesty (then Prince of Orange) made use of to sound the dispositions of the Imperial Court upon his glorious enterprise of redeeming our kingdoms and Europe from slavery; and he only of all the Ministers had the confidence and management of this intrigue, the success of which created him many enemies (especially the Count of Kinsky): but it has been our greatest advantage to have found him a powerful and steady friend.

"It is below your knowledge to hear anything of my personal obligations to him, and I should be too arrogant in saying I was honoured with something that came near familiarity and friendship. The graces he showed me I ever attributed to the zeal he had to His Majesty's interest, and consequently the meanest of his servants never failed of a favourable reception.

"How the vacancy his death has made will be supplied may deserve His Majesty's reflection. The Emperor is a Prince faithful to his promises, and besides is too far engaged by point of interest, ever to start from the Alliance; but it would have been a hard matter to defeat the bigotry which priests constantly instil into the mind of a Prince so devout, if this famous Minister had not mingled some policy with religion, and supported his arguments with the credit of the Spanish Ambassador, who (true to the principle of the King he serves) has never been irreconcilable in his hatred to France and in his opposition to an universal Monarchy; which last consideration I look upon to have been the true one, why the Emperor so readily entered into a league with those they call heretics, and has continued firm in it, notwithstanding the offers France has made and the frequent solicitations of the Pope to that purpose.

"But as His Imperial Majesty is observed to be of an irresolute wavering temper, on which the last impressions ever make the deepest marks, this occasions that he is frequently torn several ways by the different inclinations of his Ministers, who in a manner governed him by turns as if each had commanded *de jour*, (to which may be attributed those delays which have ever been too visible in all the designs and enterprises of the Imperial Court); yet Count Stratman's turn came oftener than any other's did, having

the greatest ascendent over his spirit, which has proved of advantage to our affairs. But who now will succeed him in that degree of favour, or if ever His Imperial Majesty will be so liberal of his mind to any other Minister is what we are to expect with great impatience.

"The great offices of the Court are divided into several departments, whereof the chief is the Chancery of the Empire, which is committed to Count Königsegg, as Vice-Chancellor under the Elector of Mentz, who therefore presides in all conferences, and has the direction of correspondencies with foreign courts. The second Chancery is that of Bohemia, to which kingdom the provinces of Silesia and Moravia are in a manner annexed, and fall under the guidance of Count Chinsky, who is Chancellor. The third is the Chancery of the Court for the Emperor's private concerns as a Duke of Austria, to which are joined the hereditary countries thereabouts as Tyrol, Styria, Carinthia, and which made the province of Count Stratman. The fourth is the Chancery of Hungary under the Archbishop of Grann; but as the affairs of this kingdom and of Transylvania are yet in disorder, Count Chinsky seems to have the greatest share in the direction of them. Fifthly, the Chamber of Finances is committed to the care of Cardinal Collonitz, who has under him General Heusler; but this last has not that employment in such latitude as it was enjoyed by Caraffa. Sixthly, the Council Aulique, wherein all causes and matters of justice are determined, is guided by Count Ottingen, who is President thereof. Seventhly, the Council of War is the department of Count Stahremberg.

"Not to speak of the office of Court Marshal and the Council of Regency, these seven Chambers are the canals in which all affairs are dispatched according to the nature they are of. But before anything of consequence is resolved, it is debated in the Council of Conference (as they call it) where the Emperor generally presides in person, and names the points on which he will deliberate. This agrees with our Cabinet Council, to which the Emperor warns such Ministers as he thinks fit to communicate to the affairs in question. Those who generally assisted were Count Königsegg, Count Chinsky, Count Stratman, Count Stahremberg, and sometimes the Prince of Salm, Governor of the King of the Romans; Count Wallenstein, the Governor Chamberlain; Count Harrach, the Master of the Horse; and Count Ottingen, when there happened a point of law.

"I shall take the liberty of giving a short character of each of these as far as I could observe in nine months that I had the honour to reside at the Imperial Court.

"Count Königsegg has a good head and heart, and is master of great eloquence whenever he has any lucid intervals of health; but the gout, with which he is contracted in hands and feet, has rendered him almost incapable of further service,

and of having the confidence of the Emperor, which is best to be acquired by frequent attendance; so that he may be looked upon a superannuated Minister, whose credit and creatures fall off daily. He has a quickness of fancy very youthful, but is said not to have judgment enough to serve as ballast to so high a sail; and the freedom with which he sometimes launches into common conversation discovers too much of the secret, and frequently brings him into inconveniences. He is lavish in his expenses, which have reduced him to a low fortune, and his pressing wants may expose him to be scarce proof against a bribe well offered. He seems zealous enough for the public, but with a certain bias for Denmark, where his eldest son is now Envoy; his second son is Canon of Cologne, and in time may prove the great favourite to the Elector. The second wife he now has is sister to the Marquis de Parella, which makes him very zealous for the interest of Savoy. He has married a daughter to a Count of Furstemberg, and I believe at bottom is no enemy to the Cardinal. He will neither gain nor lose by Count Stratman's death, having lived in terms of indifference with him without entering into faction for or against him, except what related to the difference betwixt the King of Denmark and the Elector of Hanover, to the first of which Count Königsegg seemed too particular and Count Stratman to the latter; which will make his death much regretted at the Courts of Lunenburgh, where they will be at a loss whom now to apply to, since the greatest pillar is fallen, who supported their cause.

"The next Minister is Count Chinsky, who is well known by his negotiation at Nimeguen for a man of great application, experience and exactness, but is thought too rigid and never to be brought off from the opinion into which he first enters. He has the management of the politic part of the affairs in Hungary, and whenever the negotiation of peace with the Turks comes in play, it is likely to fall to his gui[dance], though he is loaded with having been the cause of the Emperor's letting slip some favourable opportunities of coming to an agreement, and is accused to have favoured and justified those cruel practices and persecutions which were used by Caraffa towards Eperies and other places in Upper Hungary; and [a] certain [air] of formality and circumspection which [he] affects gives him at least the appearance of a wise and cautious Minister, and his strict friendship with Caraffa buoyed him up almost to make the balance of the Emperor's favour hang even betwixt his party and that of Count Stratman's: but since the death of that General, who spoke freely for him in some cases, where he could not with decency appear himself, Count Chinsky's interest has visibly declined and he seemed to have no further part in affairs than what naturally related to his own Chancery. What ground he may now gain as spoils

which fall from Count Stratman I know not; but I cannot wish this accident may prove of great advantage to him, since I have not much reason to think him our friend, and to the impartial I cannot accuse him of having appeared our enemy. However, it is to be apprehended, if ever he gets the mean disposal of things, the priests only will thrive the better for it, whose authority he is inclined to heighten, though the Emperor is already but too weak in that respect. In all conferences whereat he assists he is observed to be a perfect sceptic, and though the affair in dispute be of no great importance, he cannot forbear ranging his arguments *pro et con.*, and raising doubts on both sides without determining anything, so that in the conclusion nobody can find the drift of his advice, nor is much wiser for the length of his discourse; but to do him justice, if he would explain himself and were as well intentioned as he is diligent and able, I know no Minister at Vienna that might be so useful in high employment. He is a man of a plentiful fortune without children, and consequently is not liable to corruption. His ambition of being the chief made him a rival to Count Stratman, which made it remarkable that these two seldom agreed in their opinions. But not to be too prolix: if Count Chinsky upon this vacancy comes to be Master, it will be an ill omen to Schöning and his party; for I believe firmly the first advice for the violent seizure of this General proceeded from this Minister out of a private pique which he is not of a disposition to forget. This I perceived the Elector of Saxony was immediately sensible of, and could not forbear saying in haste, upon the first report of Count Stratman's death, that his affairs might suffer by it. For in truth he was a man more pliable, and (to my knowledge) it was with him that Mr. Holezbrinck (whom I have mentioned in my ordinary relations) chiefly negotiated for the enlargement of Schöning.

"I have already spoke sufficiently of Count Stratman, and therefore need only recapitulate that the Emperor has lost [his] ablest Minister and confidant; His Majesty and the Allies the greatest supporter of their cause; the Elector of Brandenburgh a subject much devoted to his interest; the Elector Palatine a creature ever grateful to his patron; the Elector of Hanover, the stiffest promoter of his new dignity; and the Elector of Saxony the person on whom he most relied for the liberty of his General. The Count has left many children to divide his estate. The eldest son was Envoy in England, and is now married to a rich heiress near Cologne. The second is a Canon at Breslau, and two more sons, who are now travelling in Italy, are likely to be provided for by spiritual preferments; his three daughters are well bestowed, one to the Ban or Viceroy of Craacy, Count Boudiani; a second to Count Stutenberg, Governor of the Province of Styria; and the third to Count Colasto.

"Count Stahremberg, famous for his defence of Vienna, seems yet to live upon the credit of that effection, and has entrance into the Council of Conference, but, I believe, does not much forward the business; for he is one who does not usually stick to the matter in hand, and has the talent of raising whipped cream upon what the others have said without advancing anything to his own, and abounds in words which have no meaning. The officers who have dependence upon the Council of War are diligent in making their court to him, but in politics the mark is out of his mouth, and no applications are made to him, nor has he credit enough to do good or harm to our affairs. He affects being a *beau* by his dress and gallant behaviour, though, as you may imagine, he acquits himself but awkwardly at the age of seventy-four and after his hearing has almost left him. This is all I can say of him, except that he has a son, Envoy in Sweden, and the daughter lately left a widow by a son of the late General Dunnewald.

"The Prince of Salmes is a person of another figure, having acquired great confidence with the Emperor and the Empress by the care he has taken, and still continues of the education of the King of the Romans, who, having no conversation but what he furnishes him with, is likely to have his genius formed wholly according to the model which the Prince shall prescribe, and when the Emperor fails, whose life is far spun, the Government will be as good as absolute in his hands, which makes me frequently wonder no applications are made to him by His Majesty, since we have so near a prospect of his becoming the Atlas; and as he is, he may be very useful to our affairs, for he is a man of great abilities, and sincere where he is once gained. The Prince of Dietrichstein, the General Master d'hostel, and he had formed a faction against Count Stratman, perhaps out of envy, that a person of no birth and a stranger should have a nearer access than they to the Emperor, but he was ever too hard for them, and of late had a good argument against the Prince of Salmes for his peremptorily crossing the Emperor's designs of creating a ninth Electorate in favour of the Duke of Hanover, which he opposed almost to insolence considering the dependence he has on the Emperor's family; but now [the] Count is out of the way, he and his party are likely to rule without control.

"Count Wallenstein, the General Chamberlain, was formerly employed as an Ambassador or Envoy in England, and is very kind in the remembrance of friends he contracted there, and is well intentioned to His Majesty's interest. 'Tis pity he gives himself no more application to business, having several good talents that recommend him, and a courteous obliging behaviour, which wins the affections of all people who have to do with him; but being old and enough at his ease, he contents himself with his ordinary attendance on

the Emperor's person without engaging himself in the Ministry. He has a son who was lately Envoy in Piedmont.

"Almost the same character may be given of Count Harrach, the Emperor's Master of the Horse, who frequently assists at the conferences, but seldom exceeds what he is obliged to by his profession.

"Count Ottingen is a perfect original; so singular he is in all his ways and actions. No man understands justice better or practices it so uncorruptly, but he is so unhewn in his manner and behaviour, and rigid in his principles, that Cato and Timon of Athens were good-natured in comparison with him. His righteousness gives him great liberty in commending himself and making severe reflections upon others, and [he] has a wife of impertinent virtue. He is ever oppreating [*sic*] the Emperor with his honesty and the knavery of his neighbours. I have near a hundred histories of his adventures, which might be good entertainment in discourse, but they are too tedious to be committed to writing. He keeps close to his charge, which he executes with great diligence, and is capable of being anything but a dissembler and a courtier." *Copy.* (X. 28.)

Matthew Prior to [James] Vernon.

1693, November 3–13. [The Hague.]—"I have heard without knowing how to help it that many Papists, who have waited the opportunity, embarked in merchant ships that sailed at the same time with His Majesty without any passes.

"I shall give a pass to Mr. Francis Roche, an Irishman—his father is of Cork—and to Patrick Roche, who pretends to be his man. They offer any security here, or would oblige themselves to appear before you, and have this one merit, that they lodged at Harris's the tailor. I write to Mr. Mackay, that they may be at least searched at Harwich, though they have rather the mien of puppies than politicians." *Copy.* (X. 42.)

Matthew Prior to [William] Blaithwayt.

1693, November 10–20. [The Hague.]—Asking for instructions how to deal with above 500 sick and wounded English soldiers, who are waiting at the Brill and Helvoet, and can only be transported at the rate of fifty or sixty in each packet boat. Has meanwhile given them 200 *gulden*, and induced the Pensioner to allow them lodging and turf. *Copy.* (X. 42.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

1693, November 14–24. [The Hague.]—"We have at present no minister at either of the Northern Crowns, Vienna, Berlin,

or Ratisbon. My friend Mr. Stepney, who is at present negotiating for some Saxon troops at Dresden, may probably be fixed at the same place or sent to Sweden, or almost choose his post, having had the fortune to be placed in such a light that His Majesty has known and approved of him. The other Courts will in all appearance be very soon supplied. My having had the honour to be bred by Your Lordship, and trailed a pen here onward of four years, makes some people flatter me that I may not be forgot in this great harvest with few labourers, since Aglionby, Cresset, and Stepney, who are already working, are journeymen as I am, have about the same estates at home, and are sent to preach politics as the Apostles were on a better errand, without purse or scrip. I take it for granted that Your Lordship will mention me to Mr. Secretary Trenchard, if you think anything of this kind proper for me. I wish I may part with these chimeras for the solid blessing of being near my patron and protector in England. . . . . I should like that climate or employment preferably to any other, in which I might tend my thoughts and studies so to my dear Lord Buckhurst's future improvement, as by it ever to testify to all the world the mighty obligation I owe his father." *Copy.* (X. 43.)

MATTHEW PRIOR to [JAMES] VERNON.

1693, December 4. [N.S.]—"Old Mr. Kick having given my Lord Dursley's pass (on no very good recommendation) to one Rigmaden, wrote the same post to Mr. Mackay at Harwich, that the said Rigmaden might be apprehended and examined there. Captain Robinson, Commander of the *Guirlande*, and some officers saw the said Rigmaden at Helvoet. He was disguised in a sorry sea-habit, and seemed to avoid them as much as possibly he could, upon which suspecting him they got him seized. He has owned that he is a Papist, and comes from studying in a college in Flanders: in his portmanteau were found several letters, in one of which he was commanded to go by the name of Pagett; it contained farther that old James and his wife were very ill, and unless better measures were taken for them than had been already, they would surely die of the distemper. There was another letter found about him directed to my Lord Arundel of Wardour, with advice that he should deliver it into my Lord's own hand: it appears as yet to be but white paper without any writing in it. Captain Robinson has put him on board the *Guirlande*, and will deliver him to your power at his arrival in England, having sealed his papers in order to have them examined by you. Young Kick, who is employed in distributing some sustenance to the poor soldiers, who yet lie at Helvoet, was present and assisting in Rigmaden's being seized, and gives me this account. I have let Mr. Kick senior know that Mr. Secretary is pleased to promise he will take care to have the money repaid, which

may be laid out upon the poor soldiers, and I expect Mr. Blaythwayt's order therein."

"P.S.—I hear from Stockholm that the Baron Heckeren has accommodated the difference between the States and Sweden concerning Swedish ships taken by the Hollanders, having promised reparation to be made by the States. I wish matters were as well between that Crown and us. If you have heard that they have received His Majesty's answer to the memorials Count Oxenstiern had given in, which answer my Lord Dursley gave Mr. Lilieroot and he sent to Stockholm, you know too that they are not very well satisfied with it." *Copy.* (X. 45.)

MATTHEW PRIOR to [SIR JOHN] TRENCHARD.

1693, December 15–25. Hague.—"In obedience to your commands of the 5th I have waited on the Pensioner, and by his order on Mynheer Sasse, Secretary to the Admiralty of the Maas, in whose hands I have left a copy of the extract of what our ships lost on the coasts of Holland. He promises to intercede with the Admiralty to give order that our cables and anchors be sought and taken up with equal care as their own and brought over into England, where the charges shall be given in to the Commissioners of our Navy by the masters of the vessels thus employed, the Commissioners of the Admiralty having first looked over the accounts and consented to them as reasonable." *Copy.* (X. 48.)

MATTHEW PRIOR to VISCOUNT DURSLEY.

1693–4, January 2–12. Hague.—"Having looked over the Papers which concern money paid to the Vaudois, I find five resolutions of the States with each a receipt at the bottom of it from Mr. Weyer or Clignett or both, as followeth :—

'1690.—Resolution of States, May 15, upon which Weyer and Clignett own to have received 20,000 and 15,000 gilders.

'Resolution of May 19, in which Weyer owns to have received 50,000 gilders.

'Resolution of August 20, in which Clignett owns to have received 60,300 gilders.

'Resolution of September 14, in which Weyer owns to have received 39,600 gilders.

'Resolution of November 20, in which Weyer owns to have received 49,750 gilders.

The second sum 5,000*l.* sterling.
The third sum 6,000*l.* ,,
The fourth sum 4,000*l.* ,,
The fifth sum 5,000*l.* ,,

"So that the four last sums make 20,000*l.* sterling. The first appears to have been likewise for the Vaudois, as I remarked before ; it is signed by Clignett and Weyer. We find an

acquittance signed by Mr. Clignett for 200 gilders, 'which,' says he, 'was what rested of 20,000*l.* sterling, which,' says he, 'was what His Majesty had given the Vaudois,' and for which William Weyer, merchant of Amsterdam, 'had given his acquittances.'

"We have my Lord Shrewsbury's letter of the 4th March, '89, by which he informs Your Lordship that His Majesty accords the sum of 200,000 *livres* to the Vaudois." (X. 49.)

THE SAME to the SAME.

1693–4, January 5–15. Hague.—"Since my last I have been with Mr. Clignett at Leyden, and having conferred with him concerning the papers I mentioned in my last, find that the five sums together make the 20,000*l.* for the Vaudois; for that as one has 35,000 gilders, the other [receipt] is for such a sum as makes that 50,000. I did not know that before, not having the honour to serve Your Lordship when the thing itself was transacted, nor to have been in the least informed of it since." *Copy.* (X. 50.)

MATTHEW PRIOR to the EARL OF PEMBROKE.

1693-4, January 19–29. Hague.—You will see by the enclosed memorial "that France really desires a peace with us, though it chicanes a little in the way of asking it. All our letters from the frontier agree that the French garrisons are destitute of bread and money; upon which we may doubtless soon see more memorials of the same nature with this.

"Things here go on as usually, sure and slow. The States are recruiting their troops with great diligence, and have granted besides other taxes the hundredth penny twice this year, as they did the last." *Copy.* (X. 53.)

MATTHEW PRIOR to [JAMES] VERNON.

1694, March 9. N.S. Hague.—"The persons whom you find described at the end of this letter are represented to the Pensioner of Holland, and from him to me, as sent into England with a design against His Majesty. I have yet seen no such, but have taken order if ever they come either to Rotterdam or The Briele, to have them seized. I have grounds to suspect two others, of which I have advised Mr. Mackay. I send you a copy of my letter to him because possibly you may hear further of the persons from him." *Copy.* (X. 54.)

Enclosure.

MATTHEW PRIOR to MR. MACKAY.

1694, March 9. N.S. Hague.—"I yesterday gave two passes to persons whom I have reason to suspect not well affected. One is named Robert Manly; he lives at Rotterdam, was formerly a servant to Mr. Chudleigh, envoy here, and passes

to England (as he says) on his own private concerns. I have nothing more against him than that he has been lately in Flanders, and may probably be employed in some correspondence our enemies may hold in England; he being a known Jacobite. You will do very well therefore to search very diligently, if he has no papers about him. not mentioning whence this advice comes.

"The other is named Francis Clay; pretends to have deserted the French service from Catalogne, but brings a very improbable account of so long a journey. He has a red head of hair very like a peruke; if it proves to be such, you will think him to be a person to be suspected, since one does not generally choose one's peruke of that colour; I have reason to suspect him in case he should have any peruke in his pocket. I have given no pass to the two persons described on the other side."

[The description is as follows:—] "John Peg, born in Lorraine, a short man, has by nature black hair, and wears a light peruke, a red coat, and a blue waistcoat under it; is old about forty-four *à* forty-five years. He is in company with an Irish or an Englishman, which is a little taller, dressed in black with a blue waistcoat, having short curled hair not longer than to the ears, is old between thirty and forty years."

"If by any chance you find such, though they have my Lord's pass (for Mr. Vander Poele may possibly have given it to them before a letter sent to him this night may reach him) arrest them, for they are dangerous persons." *Copy.* (X. 54.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

[1694, March or April.]—"What we are most talking of is the choice of a Bishop of Liége. The French, who have found ways to get that election deferred till the 20–30 April, have certainly more interest there than we are willing to believe, and may get the Cardinal of Bouillon elected, though the Allies deny him passports to go thither. Mr. Dyckvelt is gone thither to manage the States' interest: the common voice is that they are for the Elector of Cologne (who seems to stand very fair in this conjuncture), though at bottom Your Lordship will judge, both the States and the Elector of Brandenburg would rather have a private person than either the Elector of Cologne, the Master of the Teutonic Order, or the Bishop of Breslau, whose families as well as their relation to that of Austria might, as affairs may turn hereafter, make them too potent princes to prove peaceable neighbours. De Meyer, their present Dean, may probably be the man, if the Allies' party prevail; since their common interest may centre well enough in him, who is an honest man of no great family, and an enemy to France.

"All is in flame and fire at Dresden, and the Elector of Saxe will have his General Schöning again or will recall his troops. All the world sees the Emperor did a foolish thing in letting that affair hang so long in suspense, and the Elector to have it determined will do a thing twice foolisher. The accommodation the Imperial Court offers now is to give Schöning his liberty and let him serve the Venetians; and this we hope may content our hero, if he will be ruled by his interest or his mistress.

"The French threaten Piedmont: they say they will pass the mountains this month and besiege Coni and bombard Turin at one time. The Duke of Savoy has been at Milan where a great council of war has been held, and we may hope well enough from that side if we can but get our Germans out of their winter quarters in any tolerable time, and hinder them from plundering so very merrily when they are out.

"The French will have fifty sail of ships-of-war in the Mediterranean, whereof ten will be first and second rates; I hope they know this at Whitehall.

"I sent Your Lordship this trifle of a book because the satire at the end is said to be Britean's*, and add to it a song made by a much worse poet. I have made some reflections on my last letter to Your Lordship, in which I am afraid I was too presumptuous in representing the state of my own poor affairs. I beg Your Lordship to pardon it as written to him who has been my patron and protector from my childhood." *Copy.* (X. 56.)

MATTHEW PRIOR to MR. WOLSELEY, at Brussels.

1694, April 13–23. Hague.—"I have formerly advertised the office of one Clerk, who went over into England, as being a person much suspected to hold a dangerous correspondence. The same Clerk was the last week, (I know not upon what suggestion) stopped at Harwich, and upon some letters he produced from persons of credit was released again, and came over in the last packet. At Harwich he got time from the negligence of the officer to burn several papers, and at his coming to Rotterdam was surprised to find that several papers he had given to an officer, a Spaniard who came from England the packet before, were not delivered as he had expected. This officer, being a Spaniard born, now in the service has a brother who is actually of the Elector of Bavaria's family. He is just now come from Spain, by way of England, is a middle-sized man, black: if by his description you can find out this person and seize Clerk's letters before he reaches Brussels, (I think Clerk lives at Bruges), we may probably discover the correspondence. These I had from Dr. du Can, physician to the hospitals, and it is my duty to give them to you as entire as I got them: it being undoubted that Clerk is a violent Jacobite and

* Nicholas Breton is doubtless the satirist referred to.

employed in frequent voyages to England for no good." *Copy.* (X. 58.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1694, April 30. [N.S.]—"By an express from Dresden we have an account that the Elector of Saxony died there the 27 April—7 May of the same distemper, and almost in the same manner, as his Countess. This may give some change to our affairs on that side, since his brother and successor is in good English a resty brute, of too much stubbornness to be convinced by any man, and too much ferocity to be softened by any woman: a true Dane, and governed by one of that nation who is a little too partial to the French interest.

"The French begin to move in Flanders, and letters from France are all filled with the misery and desolation of that kingdom, which is really very pressing.

"This letter may end like my last, with my prayers for Your Lordship's health and happiness.

"*Spare Dorset's sacred life, decerning Fate,*
"*And Death shall march through courts and camps in state,*
"*Emptying his quiver on the vulgar great:*
"*Round Dorset's board let Peace and Plenty dance,*
"*Far off let Famine her sad reign advance,*
"*And War walk deep in blood through conquered France.*
"*Apollo thus began the mystic strain,*
"*The Muses' sons all bowed, and said Amen.*"

Copy. (X. 59.)

The EARL OF PEMBROKE to MATTHEW PRIOR.

1694, May 16 [–26]. London.—Complimentary letter, desiring a continuation of their correspondence. (II. 3)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1694, June 1. N.S. Hague.—"It is as natural for us to mistake as to reason or to see; so I do not blush to recant an opinion I have some time embraced that I had already all that obligation to Your Lordship which a poor man could possibly owe his patron. Your Lordship's letter to me convinces me I was in the wrong, and now I only know that it is as hard for me to comprehend how great Your Lordship's future favours will be as to number how many your past have been. I would fain write on this subject, but I really cannot with any success. I find no expressions of it in any language I understand: (and one would think Your Lordship has taken sufficient care to have me instructed in the best).

What Cowley imagines only of Theron's liberality is, in matter of fact, true as to Your Lordship :

'Thy bounties to conceal or tell
Is equally impossible.'

"'Tis all an immeasurable abyss ; and my gratitude like St. Austin's piety is lost in wonder and veneration."

Postscript.—"I shall endeavour to get Your Lordship originals of the hands you mention, from Antwerp or Brussels. I have seen one of Teniers' here but it is excessively dear. My Lord Dursley's memoir by which he takes leave of the States came over to-day. I have only a verbal order to stay here till my Lord Faulkland comes over, so they have made me a minister without one syllable of a commission to act by ; and ordered me to receive all their letters without one penny of money to pay their postage." *Copy.* (X. 60.)

JAMES VERNON to MATTHEW PRIOR.

1694, May 29 [–June 8]. Whitehall.—Have shown your letter of the 1st inst. to the Duke of Shrewsbury, "who thinks that there must be somebody entrusted with the care of passes, and that nobody is so fit for it as yourself, who have all along done it. The only thing is to make your signing of as good authority as your late Lord's, that it may not be questioned at The Brill, or Helvoetsluys, and that His Grace thinks must be ordered on that side, and by his commands I have intimated so much by this post to Mr. Blathwayt, so that I take it for granted it will be done, and when it is ordered there, if it be necessary, my Lord will take care that your vouchers be unquestionable at Harwich. You must concert with Mr. Blathwayt how you are to style yourself in the frontispiece, if that be a necessary ingredient in a passport.

"This is the first day I have seen Mr. Schweinfurt since his arrival, but he has brought no books with him. He remembers you bid him call at Rotterdam for something ; but he did not find Mr. Kick at home." (II. 4.)

MATTHEW PRIOR to [WILLIAM] BLATHWAYT.

1694, June 1–11. Hague.—"I am promised the Convention between Holland and Sweden, and shall send it to you in a day or two. I have also a box from Mrs. Vander Brent, which I shall likewise forward by the first sure occasion.

"I know not what change may happen to my affairs upon my Lord Faulkland's death, but take it for granted that they will prosper in your hands. If I am to reside here any time, I presume either some order to me or letter to the president of the week or to the Pensioner will be necessary : for having taken my leave as my Lord Dursley's secretary, I know not whose I must say I am, if I give in any memorial or ask any favour. I wish I might call myself Secretary, or

Agent, or what you think proper, on better grounds than Kick calls himself Consul: but being at present like Sosia in the comedy—*sumne ego, necne?*—is a very pertinent question for me to ask myself. 'Tis by your kindness, Sir, that I am to be something, and probably to have some foundation laid to my small fortune. I have represented this to my Lord Chamberlain, who commands me to assure you that the kindness you are pleased to show me shall be looked on as done to himself, and if anything that concerns me is to be advanced on the other side, His Lordship adds it shall have all his aid and assistance.

"I am persecuted by the *réfugiés* about passports as much as they are by their *Grand Louis* on a better account: and like Orpheus I shall be torn in pieces by the women, except you are pleased to instruct me what I am to do, and in whose name I am either to let them go or hinder them. You will, Sir, I hope, pardon your man of one business, and if just in this conjuncture of my life I am troublesome, I will remain all the rest of it with all possible gratitude and respect, etc." *Copy.* (X. 62.)

MATTHEW PRIOR to [JAMES] VERNON.

1694, June 5–15. Hague.—"I hope my Lord Duke has his books, which have been so long coming that if, according to Becker, there be but one Devil, he may be dead in this while." *Copy.* (X. 63.)

—— to MATTHEW PRIOR.

1694, June 8–18. London.—Informing him that he has seen a letter from Holland to a person at Court stating that "quelques libertins, ennemis cachés du Roi," are resorting to The Hague, and that Prior is not likely to know enough of these "esprits français," to be on his guard against their designs. If Lord Falkland had lived he would have warned him and forbidden their resort thither. *French.* (II. 6.)

MATTHEW PRIOR to MR. KNIPE, second master of Westminster School.

1694, June 8–18. Hague.—"In obedience to the commands of my lord and patron I recommend his eldest son Mr. Berkeley to your care and protection, and am very glad of the occasion, as well to express my veneration for the school and my respect to my masters there, as to show the great duty and obligation I owe this young nobleman's family by endeavouring to have him placed where he may have an education worthy of it. My Lord's public affairs have kept his family till now in Holland, which is an excuse why you had not your scholar much sooner, and a reason why he must redeem his time. He is already as far advanced in Latin as the best masters he could find here and his strict application to the French

would permit; so that if he be not so thoroughly versed in the classic authors as some of your little Doctors in the Fifth Form, he understands pretty well History and Geography, and is master of a language which in spite of all that Cicero or Seneca can do will be universal, and by consequence must be studied. It is at Westminster he must take that tincture of the ancients, and make those improvements in his own language which no other place can give him. I know he will see younger boys much before him in that way; you will find, however, that he has too much fire and emulation in his temper to let him stay long behind his neighbours, and such extraordinary natural parts as will soon enable him to overtake them. I could enlarge very much in his praises, but instead of making his panegyric I am to have him taught to make one. I assure you only that he has wit enough to answer to the great genius of the school I recommend him to, and to make him as famous before a House of Commons at five and twenty as I hope he will be at fifteen before an election at Westminster.

"Mr. Berkeley writes a good hand and, I am sure, must not lose it under you. He has the principles of Arithmetic, for the practice of which it is absolutely necessary that some of his hours be set aside with the master who comes (I think) thrice a week to the school.

"For Greek, as you please; he may have some taste of it, if it will discourage him to be kept from it; otherwise his improvement in Latin is the main thing to aim at, for he has not a great deal of time before him, and will be a man before we are aware of it.

"His whole education is left to you by his good parents, who love him too well to humour him, and will absolutely have him instructed and not flattered; and we doubt not in the least but that in two years under your hands he will have solid learning enough to come abroad again, and give strangers an idea of the greatest school in his own country, and possibly of any other through which he shall travel.

"If you still take boarders, I presume my Lord designs Mr. Berkeley shall be of the number. I have warranted the success of this whole matter to my Lord; so you will be pleased sometimes at your leisure to honour me with a line concerning it, that I may constantly answer your letters, and take what care I can of Mr. Berkeley at this distance, and which I beseech you to take double since I cannot be nearer him. I am to represent from his father and mother (the best that any son was ever blest with) how nearly this child's education touches them and how heartily they ask you to enter into his interest; and (if it be not too bold to mix my own requests to theirs), if I may in the least have merited in the society or am remembered by my masters, I humbly beg that this young gentleman may profit by it."

Postscript.—"I do not trouble the Doctor, having only my most obedient service to send him, and my wishes for the continuance of his health, which I ought to do for the public good if I had no particular obligations to him." *Copy.* (X. 64.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1694, June 12 [–22]. London.—"I am very desirous not to lose a part in your friendship which you were so kindly pleased to afford me. . . . . I hope you will sometimes let me hear from you. . . . . I will yet venture further, to desire you to send me word if there be any true French wine of any kind to be had at The Hague. If so, I will send you word (when I know the sort and price) what quantity I desire, and hope the captain of some yacht will not deny me the bringing it safe hither. I can only add that if you can gratify me therein, I will not deal with you as a noble person did lately with my Lady Dursley." (II. 7.)

JAMES VERNON to MATTHEW PRIOR.

1694, June 12 [–22]. Whitehall.—"I have yours of the 5th and 8th, and have likewise heard from Mr. Blathwayt that you have commenced your first degree in the ministry; may you go on and prosper! The next thing we have to do for your service is to get you a warrant for your privy seal, as well for your being allowed reasonable extraordinaries as for your 20s. *per diem;* and that shall be as soon as we know from what time it is to commence, for which I have writ to Mr. Blathwayt by this post.

"My Lord Duke [of Shrewsbury] has received your books and gives you thanks for them. You seem to have a mind to write to His Grace. You not only may do it, but in your station yon ought to do it, and that as constantly as any of the other foreign ministers; and when you have made your compliments, you must let him know in your own hand all that passes. Mr. Stepney does it with great exactness, and I don't doubt but you will make yourself as remarkable; and so, my grave lesson being finished, I take my leave." (II. 8.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1694, June 12–22. Hague.—"The packet with the mail of Friday sennight being taken, and the letters at the bottom of the sea, has saved Your Lordship the reading a long letter from your young minister at The Hague.

"The States received this morning an express. The armies are within three leagues of each other, ours being removed a little further towards Tirlemont, and the French advanced.

Our forragers have taken some few prisoners, who agree that the enemy's horse are in a bad condition.

"The French have passed the Rhine at Philipsburg with about 40,000 men, with design to ruin the Bergstraes. The Saxon troops are at length agreed for, and we are promised they shall march presently, so that if they (who are 12,000) come up in time to strengthen Prince Louis, who has now about 26,000, we may be in a condition to oppose them.

"I told my Lord and patron in the last I wrote to him (and which I presume miscarried), that upon my Lord Falkland's death the King had appointed me to do his business here, and had given me the title of his Secretary, which without advancing me something is only giving me leave to lay out sometimes eight, sometimes twelve pounds a week for letters, for the payment of which I am to solicit the Treasury a year hence, and get it perhaps in tallies, if it were in my Lord Nottingham's time, who would neither propose for me nor oppose against me. Patience! but as it is I hope Sir Fleetwood Shepherd, knight, will ask my Lord Duke of Shrewsbury (for whose kindness to me on Your Lordship's account I am infinitely obliged) if His Grace ever heard of a professed panegyric poet that was able to advance two guineas to the public." *Copy.* (X. 68.)

Matthew Prior to James Vernon.

1694, June 12–22. Hague.—"You are sure to be again plagued with me, because you obliged me yesterday, as with a common beggar, because you relieved him last time you met him in the street. Mr. Blathwayt has (you know) recommended me by letter to the Pensioner; I have recourse to the States as His Majesty's Secretary, and as such pay sometimes above a hundred gilders a week for letters. So far all is well, but you remember what Isaac said: *Here is the fire and the wood, but where is the ram for the offering?* Pray don't give me Abraham's repartee; but be pleased to advise me, if I may not justly desire some money may be advanced, since in all these affairs Mr. Blathwayt turns me over to you.

"You will guess how far my stock will reach in these matters, it being (as you, my father, ought to know) about two hundred pounds, a sum which being lent the public will do His Majesty a world of service.

"I must desire you to advise and assist me in procuring a privy seal for my appointments from the 1st November, N.S., that I may dun the Treasury and bring in my extraordinaries already disbursed in form and manner as my forefathers." *Copy.* (X. 69.)

James Vernon to Matthew Prior.

1694, June 15[-25]. Whitehall.—Acquainting him with the orders made with regard to passports, and asking for

suggestions as to their improvement. Mr. Frankland reports a complaint made by the commanders of packet-boats, "that the two ducatoons so rigorously demanded at The Brill for being put into a pass is the reason or pretence that many make use of not to pay their passage, which they stand up for as being *pro Rege*, and urge that where there is but 12*s.* to be had, it is more due for bringing them over than for a bare leave to do it; but if I were to decide this controversy between you, I fear I should please neither side, for my determination would be, where there is so little left as is next to nothing, both the King and his Secretary should lose their right. But if you won't allow me to be a judge, admit me still to be," etc. (II. 9.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1694, June 19–29. Hague.—"There is something more mysterious in your honouring me with a letter than in all the prophecies of our good friend Sir Fleetwood. A person who has long been Ambassador with the greatest success has seldom condescended to write to a young secretary; and I believe till now a Commissioner of the Treasury never began first with a minister *per interim* abroad; but so it has pleased your goodness to act, and hereafter I shall not wonder that it is unbounded, but rather receive the blessing and be satisfied than presume saucily to inquire into the causes of it: and now, since you are pleased to honour me with your friendship, I will tell you one thing as a secret; that it is very probable you will spoil me by encouraging me, and I may soon have too good an opinion of myself if I am looked upon so favourably by a man whose judgement all the world allows to be unquestionable. I have delivered your letter to Mr. Lelienrothe, and by it gained the honour of his acquaintance. I neither see from him or Mons. Lenthe any new proposals tending towards a peace; I think there will be nothing more of that kind offered, till this deciding campaign be over, and *Pax quaeritur bello* was never so true as now. When Count Kaunitz comes from Vienna, we shall know what terms the Emperor requires; that Minister may yet defer his journey something longer, if want of money be the reason of his having deferred it thus long.

"The armies are encamped still, (as your last Flanders letters informed you they were), ours at Roosbeeck by Tirlemont, the French at St. Tron, and two little rivers betwixt them. His Majesty has ordered bridges and boats to be ready, so that if the Enemies retire towards Liége, which probably they design, we shall salute them at parting at Rotterdam.

"I am told there is true French wine. Within three days I shall be able to give you an account of that matter." *Copy.* (X. 71.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, July 5. [N.S.]—"I do not ask Your Grace's pardon for not having written to you, on your being Secretary of State, Duke or Knight of the Garter: on the contrary I pretend to make a merit of my silence. I really thought it too presumptuous for me to add a letter to the multitude Your Grace has received on these subjects from men of the greatest worth and quality, and was afraid to be impertinent since I could only say that I was glad of all this in my own particular, when all the nation is so in general. It is glad indeed; my Lord, it ought to be so when in that great station where you are it sees a man too good to be tempted by any thing but steady virtue and too great to enter into any interest but that of his country. That Your Lordship receives new titles at this time is yet another national good; it is, in the midst of a war with France, to tell our enemies that the English family their nation most dreaded formerly is yet in its pristine glory, and it is to add honour to the Order of the Garter to have it given to such a subject of our own as may make our Sovereign's allies ambitious of it. For my own interest indeed, and to act like a barefaced courtier I ought to congratulate Your Lordship's return to the Secretaryship. We young politicians begin to hope well of our future labours when men of your merit and honours condescend to be our masters; and the glory of managing a pen under the Duke of Shrewsbury now will be as great as that of having drawn a sword heretofore under his ancestors. Your Grace will excuse my growing a little florid, and lay the blame upon the grandeur of the subject: it should indeed have been treated in verse, but I despaired of coming up to the height of it; and would rather have Your Grace esteem me an indifferent secretary than know me to be a bad poet." *Copy.* (X. 77.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, July 9. [N.S.] Hague.—"I send Your Grace the copy of an order of which the Pensioner sends the original by one way and by another an authentic copy of it, taken by me, here, to Vice-Admiral Hopson, so that he may be sure to receive either the one or the other. The Pensioner and the Secretaries of the Admiralties here are of opinion that it is necessary to our sea affairs that a more frequent and regular communication be established as to what regards our convoys and cruisers, and that I should be instructed in these points from England, so as from time to time to be able to inform them here as to the number of ships we have out, and where they are, for that from this side very often they could send advices necessary for our Commanders' knowledge, if they knew where in probability such advices might find them. On this side they say I shall have an account of their ships, as well of the time and occasion of their going out, as of

the stations they are to keep. Mr. de Wilde, Secretary to the Admiralty of Amsterdam, gives me this enclosed list, and the route the ships therein mentioned are to take, which (Your Grace observes) does no way contradict the King's order, for that as many of these twelve ships shall join Vice-Admiral Hopson as shall be judged sufficient to make a squadron strong enough to meet Bart,* which will be proportioned to the number Vice-Admiral Hopson shall have, to make about twelve in all, at least more than ten, the number mentioned in the order; the rest of the Dutch to cruise as may be judged convenient, of which I shall send Your Grace an account as I may have it from the Admiralties here." *Copy.* (X. 72.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1694, July 7–17. Hague.—"Nine of the Dutch squadron are already gone out to join ours; the other three, being of that squadron which were lately ill-treated by De Bart, are not yet in a condition to follow, but will be in few days. Of this I have written to my Lord Duke of Shrewsbury, as likewise of Mr. de Wild's opinion that some of the Dutch ships may be spared to act separately. I do not perceive but that the Dutch in general bear their late losses with the constancy of the old Romans. They have prattled a little at Amsterdam, and the peacemakers there look on that business as near done.

"The Prince and Stadtholder of Fries[land] has lately been there. He is come hither, and is going with his Princess and her sister to a barony he has between Gorcum and Schonhoven." *Copy.* (X. 76.)

The DUKE OF SHREWSBURY to MATTHEW PRIOR.

1694, July 10 [–20]. Whitehall.—"I . . . have acquainted the Commissioners of the Admiralty with what the Pensioner proposes about a mutual communication in relation to convoys and cruisers, which I don't doubt but they will approve of.

"Paul Brissac, a French gentleman, having lived some time in the English plantations in America, and done considerable service against the French in those parts, and coming now to complain of the injury done him some time since by a Dutch privateer, who seized his effects contrary to all justice on board an English ship, it is Her Majesty's pleasure that you give him what assistance you can towards his obtaining a reparation according to the equity of his cause, which I leave to him more fully to instruct you in." *Signed.* (II. 11.)

The SAME to the SAME.

1694, July 17 [–27]. Whitehall.—"A complaint being brought to the Council (whereof the enclosed is a copy) against a

* *I.e.*, the celebrated naval commander, Jean Bart, originally a corsair, of Dunkirk.

Dutch man-of-war called the *Dolphin* for abusing some Custom House officers in the river, and the ship having sailed before I could speak with the captain of her (as was directed), the Council have since thought fit that the information should be sent into Holland, and a fitting representation be made of it there, that such an insolence may not go unpunished, but that the offenders be called to a strict account for the affront put upon their Majesties' authority in the violence used towards their officers while employed in discharge of their duty." *Signed.* (II. 13.)

JAMES VERNON to MATTHEW PRIOR.

1694, July 17[-27]. Whitehall.—" Yesterday I received yours of the 6th inst. I think I know Charles Macartie, and if it be the same, I suppose his coming over will be of no great consequence."

" As to the letter of advice sent you by an unknown hand, I have been ruminating upon it. I once thought of taking notice of it to Blancard (which I have opportunities enough to do), but since he has never mentioned anything like it to me, I know not whether I should do you any service in it. Solomon with all his wisdom does not resolve that difficulty whether one should answer a fool according to his folly, but gives his reasons *pro* and *con*. A man that pleases himself with ill-natured admonitions that he can't keep in, while he passes for one unknown, perhaps may think no more of it; but if he finds himself hunted out and discovered, he may think himself under a necessity of justifying it, and whether he does that well or ill, one may have one's quiet discomposed by it. He that accuses me to myself will have enough to do to have the better of me, but if I'll challenge him before a judge, I may be very innocent and yet have but a chance for being declared so. You may therefore guess at my opinion of the matter. But it being your concern, perhaps you may have better considered it in another [*sic*], and if you think it fit, I'll speak to Blancard in the way you would have me, and if it be worth while, I don't doubt but to make you rightly understand one another.

" In the meanwhile I hope you are above being disturbed at such a greeting, nor do I think it worth much enquiry who it is that is so officious, at least that it should take wind you are in any concern about it. Some that don't love Blancard would be glad to see you at variance with him, but I don't see of what use it will be to you to enter into their sentiments. Many of them have not much more to lose, and therefore their quarrels are of no great consequence; but any other that shall thrust himself in among them may (as George Porter phrased it) meet now and then with a random kick. In short, if the advice be good, one would take the hint and say no more of it; if it [be] misdirected, let the man have his letter again when he calls for it.

"As to your style you would be informed in—*May it please Your Grace* was used by our forefathers; but I think *My Lord* passes well enough in this generation, and a syllable or two is well saved.

"Your privy seal is ordered to commence from November 1st, but we are not yet resolved upon what paper to write the warrant; for we have a Stamp Act that makes everybody ridiculously cautious: but we shall have the Judges' opinions within two or three days." (II. 12.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, August 3. [N.S.] Hague.—Has acquainted the Pensioner with the complaint against the *Dolphin*, which will be heard by the Admiralties. "Most of the officers and seamen of this unhappy ship are lost; it being the vessel which perished some time since in company with the *Rotterdam* on the coasts of Zeeland: and the captain himself still under examination for his ill conduct on that occasion." *Copy.* (X. 80.)

JAMES VERNON to MATTHEW PRIOR.

1694, July 31 [–August 10]. Whitehall.—"As for Debordes, if he be a dangerous man, I despair of seeing him here, since it is unknown in what ship he comes over, or where he is like to land. If it prove to be one rogue more got into the herd, we know not how to help it."

"I must thank you for your news, and should think myself as much obliged for it if you did not give yourself the trouble to write it with your own hand." (II. 16.)

The DUKE OF SHREWSBURY to MATTHEW PRIOR.

1694, July 31 [–August 10]. Whitehall.—"I send you enclosed a copy of Vice-Admiral Hopson's letter which I received this day from the Admiralty. The use to be made of it is to insinuate as you have occasion, that it would contribute much to the common good of the service if the ships employed against De Bart were clean and better sailors, and acquaint the Pensioner with it, who may think it of consequence to get some of these ships changed for others that will be more useful." *Signed.* (II. 15.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, August 7–17. Hague.—I informed Mr. Vernon last post that I had given copies of the list of our cruisers to the northward into the Pensioner's hands, which he had forwarded to the Admiralties of Amsterdam and the Maas. "I have since laid before him the substance of Your Grace's letters of the 31st July, with a copy of that from Vice-Admiral Hopson of the 29th, upon which the Pensioner writes to Mr.

de Wilde now at Amsterdam; and if that Admiralty be in a condition to send any light frigates to Vice-Admiral Hopson, or change any of those already with him for others that are cleaner, he commands me to assure Your Grace it shall be done."

"I told the Pensioner of the two ships sent to the Straits of which I ought to have been able to give an account in England: he could only answer that the Admiralties thought that communication should only regard the ships sent northward. I urged as plainly as I could that there was no reason to have understood or made any restriction, and for the future the communication will be general. Of this I have likewise spoken to Mr. Sasse at Rotterdam, and will do so to Mr. de Wilde, who will be at The Hague about the end of the week.

"I am glad Your Grace approves of the States' resolution upon the complaint I made. I have spoken to the Admiralties, I hope, so effectually as that their particular orders may be given to the officers under their distinct jurisdictions so effectually as to hinder such insolences for the future.

"The Pensioner and Secretary of the Admiralty of Rotterdam complained of some abuses on this side from some of our officers. I desired them, if there was any ground for such a complaint, that it might be fairly drawn up, and that I would lay it before Your Lordship, and promised to have all abuses of that kind redressed on our side.

"That Heaven and Earth might witness bear
That Justice stood by Marie's throne,
Nor could they doubt if right from her
On others' subjects should be shown,
When they reflected with what care
She asked it for her own."

Copy. (X. 81.)

James Vernon to Matthew Prior.

1694, August 10 [–20]. Whitehall.—"If you think I can answer all the questions that a versed man can ask about passes, I must tell you you are mistaken. All I know is that John Mackye stops whom he will at Harwich, and whom he pleases he lets go; and you may do so at The Brill if you can. It has been an old complaint on this side and that against yachts, merchant-men and convoys that they smuggle passengers. The Admiralty have been told of it, and promise a remedy, but the current of iniquity is too strong and bears all down before it; one must, however, struggle, and when one catches an offender one must make him pay his forfeit.

"Your Debordes has been here, and unless we had his charge as well as the man, we don't know what to say to him. The Emperor's resident has appeared with him: he did it in respect to a broad seal at his commission, for I am confident he knows no more of him; and we have let him go in deference to His Excellency's character." (II. 18.)

JAMES VERNON to MATTHEW PRIOR.

1694, August 14 [–24]. Whitehall.—"You are very merry with the commissions sent you by Bob the envoy. If you don't like to be put upon those searches, you may delegate them to Abraham Kick, who may do it *sans conséquence.* I find him very desirous to thrust himself into business, and if he can't get something that no body else will meddle withal, I don't know what will become of him." (II. 20.)

JAMES VERNON to MATTHEW PRIOR.

1694, August 28 [-September 7]. Whitehall.—"Mr. Smith has not yet brought your bill of extraordinaries, and when he does you may be sure it will meet with no delay here, and I believe Mr. Montague will be as friendly to you at the Treasury as he is to Mr. Stepney, who does not labour under the arrears that some others of our foreign ministers are to be pitied for. I suppose you will put your former allowance of 500*l.* into your own extraordinaries, for that, my Lord Dursley thinks, will be the best way. The ministry, I hope, won't prove so poor a profession as you imagine it at present, and you may be assured of all the helps we can give to reconcile you well together." (II. 21.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1694, September 10. N.S. Hague.—"We begin now to think there will be no great thing done this campaign in Flanders, the French are retired on the other side of Courtray, have a great many fortified towns on that side under the cannon of which they can avoid battle. The season is far gone, our pioneers sent to their towns, and (in all appearance), except His Majesty can fall on the French rear at parting, he will save his army and content himself with the honour of having saved Maastricht and Liége, as of having shut up and fatigued his enemy the whole campaign.

"The rest is all my own affairs. My Lord Dorset has been pleased to favour them since I was ten year old, so at nine and twenty I need make no apology for my troubling him with them. I have represented to Your Lordship that the King has made me his secretary here till he thinks good to name another minister, which adds a good deal of authority to very little merit, and has given me much credit, but as yet not one penny of money. However, it sets me in very good light, and I doubt not but Your Lordship's continued favours to me will keep me in it."

Desires Lord Dorset's recommendation of him to Lord Portland and the Duke of Shrewsbury that he may be thought of when His Majesty fills the post he supplies *per interim. Copy.* (X. 84.)

The Duke of Shrewsbury to Matthew Prior.

1694, September 4 [–14]. Whitehall.—"If enquiry be made what orders are given about protecting their [the Dutch] ships employed in the herring fishing, you may answer that the orders are as usual in that particular: but in reality the places where our people fish on the coasts of Norfolk and Suffolk are looked upon to be distinct, and not to lie in common to strangers; so that the stations of our convoy on this service will be like to be at a greater distance from the Dutch fishery than that any considerable assistance can be expected from them: which I only tell you for your own information, and don't think it proper you should make further use of it, but only to express in general terms that it is not to be doubted but either side will give one another the mutual succour they ought to do." (II. 22.)

Matthew Prior to [James] Vernon.

1694, September 11–21. Hague.—"Here is a famous *père de l'oratoire*, his name Vasere, just come from France, whether with a design to change his religion, as he pretends, or to be a spy, as some imagine, is yet uncertain. He is a man of good learning, and keeps company with such here. I have had the curiosity to talk with him; he answers very frankly to any questions put to him in discourse; talks very particularly of the miseries of France, that more have died in Paris these six last months than have done upon an usual computation in two years; that the premier Président de Paris said in his hearing, *Hélas! tout le royaume est devenu un grand hôpital;* and that Monsieur has been forced to break off his table three times this year for want of money to buy daily provisions; that neither the Dauphin or Mons. de Luxembourg are very well in Court; and the Grand Monarch grown so gouty, peevish and superstitious, (three excellent qualities) that nobody knows what to do with him. I know not if anything of this is worth acquainting His Grace with, or if His Grace would have me ask him any thing which may be thought for their Majesties' service.

"I have satisfied the Pensioner in what regards the Dutch herring fishers being protected by our men-of-war in such a manner as His Grace commanded me, and to inform you of my having done so is (I take it) something modester than to trouble my Lord Duke with a letter only to say I had done so. You will please to lay the contents of this before His Grace." *Copy.* (X. 86.)

W. Smythe to Matthew Prior.

1694, September 28 [–October 8]. Inner Temple.—Recommending him to employ Mr. Powys in his financial transactions with the Treasury; he "is a man of great diligence, skill, integrity and ability, and will always be near to attend Mr.

Montague in your business, and one who I know is not mercenary, and will be very punctual in his correspondences. He does all Mr. Cresset's business, and, I believe, very much to his satisfaction." (VIII. 5.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, October 19–29. Hague.—"His Majesty was yesterday morning in the Council of State, where having read and approved the State of the War for the next year he went into the Assembly of the States General, to whom the Council of State presented the State of the War, which according to custom is sent to the several Provinces to be by them consented to and sent back to the States General for their confirmation. It consists in their keeping on foot the same troops, in their raising recruits to render their regiments complete, and adding to their artillery.

"His Majesty's convoy will be strengthened by seven or eight Dutch vessels. My Lord Carmarthen is gone down to give all necessary orders for his voyage." *Copy.* (X. 88.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, November 9. N.S. Hague.—"Whilst the Duke of Shrewsbury is Secretary of State, the least have access to him, and the meanest are relieved. 'Tis on this account that I dare write immediately to Your Grace on so inconsiderable a business as that of my fortune. Whilst the Court was here I took the boldness to represent to my Lord Portland and Mr. Blathwayt that whenever His Majesty pleased to supply the ministry here, I had no other pretension than that of throwing myself in the packet-boat and making the best of my way for England; that, if I was to be left here, it was no way proper for me in this post to scramble at ordinaries with Switzers or French Protestants; that a little house this winter would be convenient in so cold a country as Holland; that it was not handsome for me to go to the Pensioner or Secretaries on foot, whilst they sent their clerks back again in coaches; and that myself and servants could not subsist with any tolerable credit upon twenty shillings a day, which tallies and the change of money hardly bring beyond eighteen: that the public Ministers, owning me with regard to the title I was commanded to take of the King of England's Secretary, came to visit me, and that I could not go to them or to Court when I was too dirty. My Lord Portland was pleased to think my pretensions were rather founded on reason than vanity, and assured as well my Lord Lexington as Mr. Blathwayt and myself that he would move it to His Majesty and get it fixed on this side, so that I hoped to have given Your Grace no trouble in so small a matter at a time when those of the greatest moment are to be formed and guided by your care and conduct; but the King going hence this morning in order to embark, I had no opportunity

of seeing my Lord Portland or he of speaking to the King; so I humbly lay my circumstances before Your Grace and desire only to be added to the multitude whom you daily oblige. I ventured to tell my Lord Portland that my requests were no way irregular, that Mr. Poley, who was only called *Gentilhomme Anglais*, had an allowance of three pounds a day, as had likewise Mr. Stepney at Vienna with the same character of Secretary which I have here; and that I did not question but that Your Grace would assist my request in England if His Lordship (as has happened) should be hurried hence without an opportunity of representing it." *Copy.* (X. 90.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1694, Nov. 9–19. Hague.—"His Majesty (Your Grace will have known) set sail yesterday afternoon. Prince Vaudemont set forward in the evening towards Brussels.

"Count Kaunitz assisted yesterday at the Congress, as his Lady does every evening at the assemblies. His equipage is preparing extreme rich [*sic*], and he designs to make a great figure, which has already thrown the seeds of discord between the Countess of Kaunitz and Madame Lilieroot, the Swedish Envoy's wife. *Vive la guerre!*

"I lately troubled Your Grace with such a letter of my own affairs that nothing can be bolder but my not asking your repeated pardon for it; Fortune may starve my body if she pleases, but shall never lessen my ambition." *Copy.* (X. 93.)

JAMES VERNON to MATTHEW PRIOR.

1694, Nov. 13 [–23]. Whitehall.—"Your plenipotentiary has had audience of my Lord Duke and represented the state of your affairs as well as his own. His Grace intends to know the King's pleasure upon both; which, I hope, will stay your stomach till everything can be done in their order. I have seen Mr. Blathwayt, who still thinks it more feasible to get you helped in the necessary charges you mention by adding them to your extraordinaries than by an augmentation of allowance, if it were but for the precedent's sake. So that if my Lord should consult him before he speaks to the King as it is fit, he should know originally how far it has proceeded. I can't answer it won't end there; but I think you ought to be indifferent whether it doth or not, for 100*l.* by a bill of extraordinaries is very like 100*l.* by a privy seal. I hope you believe me, I shall be glad to hear you are mounted, though we have more dirt and I have further to go in it." (II. 28.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1694, December 3. N.S. Hague.—Letter of thanks for the Earl's espousal of his cause. "Our ministers are infinitely satisfied with His Majesty's speech and the *ouverture* of

the *Parlement*. I know not if one of our Northern neuters speaks as he thinks." *Copy*. (X. 94.)

MATTHEW PRIOR to [JAMES] VERNON.

1694, Dec. 4–14. Hague.—" Yesterday one Wall, brother to my Lady Oglethorp, came to me and gave me an account that he, being here on his private concerns, and his circumstances being low, being likewise amongst the Jacobites here, and looked upon as one of that party, has been solicited by one Edward Roberts at Amsterdam to help forward a correspondence between those of that party in France and their brethren in England; and has accordingly consented to accept the same employment. He promises, as such letters come to his hands, to send them to me. If there be anything worth noting in the letters he shall send me, I shall take copies of them, and send them to you, forwarding the originals. In a post or two I shall know more of this affair; the man's business in the meantime is a little money, which, I told him, he should not want if he gave me any information worth it.

" In order to deserve he has given me this book, which Roberts, who holds the Jacobite correspondence, gave to Wall, to be delivered by a friend of Wall's who was going some time since into England, according to its address, to Mr. Peter Welsh at Mr. Evance's near the *Wheat Sheaf* in the Old Bailey. It is only a Dutch Comedy, but that could hardly be the design of the present; the margin is, I believe, filled with writing, some of which upon applying it to the fire is come out, as you see, but so imperfectly that I can make nothing of it. I presume there is some other way of fetching the letters out, and choose rather to recommend it to you, plot-finders of the office, whose trade it is to know these matters, than to hazard the spoiling my plot by tampering with my own ignorance to bring it forth. This may be a trifle or a thing of consequence, God knows; as I have more light in the matter I shall inform you, and you will tell me what I am to do to hold my Proteus." *Copy*. (X. 95.)

MATTHEW PRIOR to [JAMES] VERNON.

1694, Dec. 4–14. Hague.—" I am infinitely obliged to my Lord Duke's goodness and Mr. Vernon's intercession; and have read Seneca too often to be discouraged at the disappointment. I am too old to cry for a coach, and too young to have a real want of one; and ought to be satisfied with my pension, if the Government is satisfied with my service; if I consider that I have less than I desired and more than I deserved.

" *Quando id quod velis non possis, velis id quod possis:* so to show you I am not out of humour, I remember that 100*l*. in a bill of extraordinaries is very like 100*l*. by a privy seal.

I hope, therefore, a coach, to be hired when I have business, may be allowed; else, take five gilders from ten gilders and there remain but five, and consequently I must fast those days in which I give in memorials or pay visits. The small equipage of three rascals may come in likewise, and the house-rent for reasons not unlike the former." *Copy.* (X. 96.)

JAMES VERNON to MATTHEW PRIOR.

1694, Dec. 7 [-17]. Whitehall.—"Mr. Blathwayt calling here this evening, I carried him up to my Lord Duke, and their chief discourse was about your concerns. My Lord thought no difficulty would be made in passing upon your extraordinaries some reasonable demands, and they were both of opinion not to move the King in it beforehand, as thinking his consent more easily to be obtained when the expense was made; therefore it will now become your prudence not to let it be excessive, or what may endanger a refusal.

"I have also acquainted His Grace with what you wrote about my Lady Oglethorp's relation: he likes the proposal, and thinks it ought to be encouraged. It is certain Roberts is an inveterate fellow; and one that shall get into an intimacy with him may know something; but whether this person be of a talent for it you will judge best. However, my Lord Duke thinks a trial ought to be made, and what considerations you give him will be allowed. I suppose you will do it sparingly at the beginning, till you see what he is capable of performing.

"I have sent the book to our wise men in the art, that they may try what they can bring to light: the man it was directed to we know to be stuffed full of malice and disaffection. Therefore, any letters sent to him will be fit to be looked into." (II. 29.)

MATTHEW PRIOR to MR. WALL.

[1694,] Dec. 8–18. [Hague.]—"It seems strange enough to me that Mr. Roberts, who proposed the matter of which we have treated together, should not be kind enough to help you for some time, and it is unhappy enough that your circumstances will not give you time that I may be able to assist you. I will not venture my sentiments of this affair further in pen and ink, and can only assure you that upon what you propose to me you shall not want encouragement, if you can find means to give me anything upon which I may depend." *Copy.* (X. 97.)

MATTHEW PRIOR to [GEORGE] STEPNEY.

1694, Dec. 11–21. Hague.—"I have yours of this day sennight, and am admiring that people who talk of 5*l.* a day, then 4*l.*, now 400*l.* equipage, and now nothing, in your case, should be so regularly resolved in mine as not to help

me because they want a precedent: they have all sorts of weapons I see, and keep us, as you advised me to keep my virago, at arm's length: and we must e'en arm ourselves in the Apostle's magazine with the helmet of patience and the sword of faith. There is certainly nothing more irregular than the last proposal of 200*l.* in a lump: but that is an objection that I ought not to start, but that we are talking only of examples and precedents; and I think Mr. Blathwayt's advice may be our *pis aller*, though I see no harm in t'other, as Fascio said of his pupils going to church. Believe me Shephard knows no more of my Lord Dorset's mind than he does of your negotiation, and would offer the 100*l.* a year as liberally to Ben Conway, whom he never saw but once, as to me whom he has known this eighteen year. The gravity of his follies is unsufferable, and he wants a tutor more than my Lord Buckhurst. I thought you were not such a stranger in Israel as to fancy he expects to be believed: but I forget you have been in a country where all the *beaux* have such faces and *mines*, and the Privy Councillors are all drunk by three after dinner.

"I am well enough affected to a seat in the office, *i.e.*, in case our projects abroad fail, to have it promised, that I may have the offer, rather than, having no provision here if a minister should be sent, to be obliged to make the campaign with Mr. B——; but I had much rather have Ratisbon, and consequently be in state to join Lord Lexington *en cas de besoin*, which you know answers to the plan we propose to ourselves of making our forces joined so formidable in the Empire. However, I say, from a seat in the office one may leap abroad after having learnt the routine, and we have precedents of this matter from my Lord Arlington to father Vernon.

"Shwinfort is in the right of it to fancy himself fit for an employment of which he wants the emoluments. Hughes, you will find, has just the same sentiments; 'tis all a game, Catt, and we that are partners are rather to hold up our cards than blame our adversaries for peeping into our hands, or endeavouring to trump the cards we hope to make our tricks by. I do not find, that we are drawing near a peace, so possibly they will not leave me a year only upon the questions *an?* and *quomodo?* at Ratisbon. You do well to stop interlopers, however, and I see you distinguish my interests no otherwise from your own than by embracing them with more zeal. Pray take your leave of our friends in Channel Row and of Lord Dorset. May be, he may send me something to begin house-keeping. See Lady Orrery too, and desire to know if I may be serviceable to her in anything here. Ollinda is miraculously recovered from folly, and (if one may believe her scrawl) resolves to be *resnabel*. I am perfectly friends with her: how easily we pardon those we love! and count that for certain which we have a mind to hope! and

if it were not for the dear deceit, who would desire life and *brigue* foreign employments, when at home one may find twenty ready ways of dying? or who would be vexed about extraordinaries, whilst arsenic is but nine pence an ounce, and a rope costs but three halfpence?" *Copy.* (X. 98–9.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

[1694, Dec. 11–21.]—"I have not writ a great while to my good friend and patron, Sir William Trumbull, but then too I have not dunned a Commissioner of the Treasury with whom I pretend to have some interest, so I hope my modesty on one side may atone my neglect on the other, and you will not be surprised if I touch only on: *I am extremely obliged to you for having given your acquaintance and protection to a young man in my circumstances;* and immediately change my note to: *God in heaven bless Your Honour; relieve a poor creature in a strange country.* Necessity, Sir, has as little manners as it has law; and when one is really starving, 'tis in vain to be told one is impertinent. Hitherto I have borrowed and done pretty well: those who lent me money and are not yet paid have had the trouble on't, but for want of more such civil persons I begin to be a little troubled myself. There is a great correspondence between the stomach and the heart: one is out of humour commonly when one is hungry; and it is time to think what friends I have at Whitehall when Famine sits triumphant on the cheeks of my two footmen and the ribs of my two horses. You will be pleased to take this into your consideration, when Mr. Powys presents Your Lordship my extraordinaries." *Copy.* (X. 100.)

MATTHEW PRIOR to [JAMES] VERNON.

1694, Dec. 14–24. Hague.—"I have yours of this day sennight. I am infinitely obliged to my Lord Duke, but this will better be seen by my obedience to his commands than by any compliments I can make to a man of his quality and business.

"Mr. Wall has been with me again, and brought me two letters enclosed under cover to him: they were directed to Mr. Stephen Montage at Garraway's Coffee-House, but are really for Edward Roberts at Amsterdam: they are written from one R. Downes, which, I presume, is a sham name for one that is with my Lord Middleton at St. Germains. In one of the letters Downes sends him the Paris *Gazette*, and tells him he will take care to have his money returned as soon as he can, and advises him to write under cover to Mr. Lanyon: the other letter, of which I send you a copy, is writ, you see, in a cant. I had a seal made in two hours with which I sealed again these letters, and returned them to Wall; so that I presume it impossible to be known they have been opened. I have instructed Wall to get the key to this cant,

and have taken such measures by the Pensioner's assistance as to be able to get from the Post Office at Amsterdam such letters as Roberts himself may put in for the future, the copies of which you shall have if they contain anything material. In the meantime I have given Wall some moderate encouragement, which I shall increase as he continues to be serviceable.

"Sir James Hayes is just now with me: he is very sick, and, because he does not know how soon he may be called to another world, is willing to discharge his conscience of a piece of roguery which he has lately found out in this. 'One Rice' (he says), 'an Irishman in Captain Napper's Company in the Duke of Leinster's Regiment, and one Sanders in Colonel Coy's Regiment have deserted, sold their horses at Louvain, and by the Jesuits at Ghent were recommended to those of Antwerp to get a pass by the means of Hackett of Rotterdam. In the boat' (where Sir James met them) 'these two persons found a quartermaster of my Lord of Essex's Regiment,' (whose name Sir James knows not) 'who has been kind enough to Rice and Sanders either to put one or both of their names into the passport he had for himself and a sergeant, or to faye [*sic*] an attestation for Rice under the name of Boswix, and make Sanders pass for his own sergeant.' They are on board one ship, a Scotchman bound for London. Do you think fit to have them searched and charged? *Liberavi animam meam.*" *Copy.* (X. 101.)

MATTHEW PRIOR to [JAMES] VERNON.

1694, Dec. 18–28. Hague.—"Since my last Sir J. Hayes has been several times with me: he is coming to you in a post or two, but is really very sick, so I send you the information with which he charges me for fear he should die by the way, as merchants do their second bills in case their first miscarry. He says that Father Hughes, commonly called Father James, the Fathers Hurly, Everard, the two Joyces and the Confessor of the English Dominicans at Brussels, as likewise one Shaw, a physician at the same town, who was companion and bedfellow to Tilly, suspected to have been hired to fire our magazines and run away upon that suspicion, and one Thompson do all encourage and entertain spies and deserters, and recommend them to one Hackett, a merchant at Rotterdam, whom the Pensioner and Government here know to be a very disaffected man. This Hackett gets passage for such deserters and spies in merchant vessels, and helps them underhand into England.

"That Thompson (of Brussels) procures passes there for such spies and deserters under the notion of their being burghers, which he did for one Butler, who went for France in or about November last, having a token from King James to the Government of Mons to receive him kindly at his arrival thither. Of his gang is likewise one Chambers, a tailor, who

lived formerly in Duke's Court in St. Martin's Lane, and ran from thence (as a Papist and a Jacobite ought to do) to live at Brussels. That the Confessor in Mons. Wolseley's absence has obtained a passport of the Elector [of Bavaria] for my Lord Stafford by the interest of Count Sanfré, to whom he had letters that recommended my Lord Stafford to the Count, from some great men in Germany. That my Lady Fingale and Madam Shelden of the English Nunnery at Brussels supply these deserters and villains with linen and money, and recommend them for passports to Count Sanfré, the Elector's Grand Chamberlain, and Don Andreas, who are kind enough to the fair sex and the fathers to procure these fellows passports, by the means of which they give the King's enemies intelligence and convey letters to France.

"That these Fathers Hurly, Hughes and the two Joyces frequent the house of one FitzSimmons belonging to the Post Office of Brussels, and carry spies and deserters to FitzSimmons' house to dinner, in order to recommend them to FitzSimmons' acquaintance: that FitzSimmons intercepts any letters for these fathers and their lay saints as they think may be written against them or their interest, which letters FitzSimmons returns to the fathers: that FitzSimmons has a son at Douay, and his wife under pretext of visiting this son goes into France and carries intelligence thither; that she went last summer from Douay into the French camp, and brought intelligence from thence to Brussels of several persons, who having been in France were suspected as not true to that Court's interest and consequently not to be trusted by that party at Brussels, particularly one Fitzgerald (she named) who had been Lieutenant in King James' guard, and had quitted that service. That one Captain Hawly of Sir Bevil Greenville's Regiment had been at Brussels with this FitzSimmons frequently, and is regarded by him and the party as a man true to their interests, and has been trusted by Mrs. Clough (who is the woman I searched by Mr. Wolseley's advice) to write letters to Tilly, since absconded, as being thought to have a design to set on fire the magazines, of which design all these fathers above mentioned were acquainted at Ghent. The persons who interest themselves for the deserters are, Clark, a Jesuit, who recommends them to one Swintorn, another Jesuit at Antwerp. At Ghent is likewise one Brockshaw: these supply deserters with money, a pistole to each, and send them to Sir James Gerardine at Dunkirk, to Major Mackarty at Lisle, and to Hackett at Rotterdam." *Copy.* (X. 102.)

MATTHEW PRIOR to [JAMES VERNON.]

1694, Dec. 18–28. Hague.—"I send you enclosed what you will have *viva voce* from your baronet, Sir James Hayes, who looks more like a ghost than a witness: and if dying people speak truth (as my nurse has told me), one

may very well believe his narration. The use you will make of it, I presume, will be to lay it before the Honourable Mons. Wolseley, since most of the rogues lie in his province. For Hackett, who is in mine, we know him already: he is correspondent to Roberts at Amsterdam, of whom I have given you an account. I have employed your terrier to unkennel another rogue or two here, who do all they can in the vineyard of iniquity: which as soon as I have done, I will be sure to return you your spy, and if he miscarries in coming, it is not my fault." (X. 105.)

MATTHEW PRIOR to [CHARLES] MONTAGU.

1694, Dec. 21–31. Hague.—"I think I never write to you but to ask you to do me some favour, or to thank you for having done it; yet even in these terms you have prevented me one letter, and got me 600*l.* before I had the face to ask it. 'Tis a strange ambition this of yours, my dear Master, that does not content itself with less than the happiness of all those you have honoured with your friendship, and makes you descend from your own greatness to lift us a step or two nearer to you. I have two or three good thoughts and similes upon this occasion, but they are fitter for a dedication than a letter, so I will put them in my commonplace book, till, having completed some years hence my memoirs, I humbly offer them to my Lord Treasurer of England. In the meantime to be true to my custom, having received your last most particular favour, I am clearing the way towards another. My affairs here are well, and the man of business thinks better of me than I deserve. How long I may continue in this secretaryship you, my good patron, will soonest know. If the King names no man of quality before he comes to us, I may take it for granted I am to continue here some time, of which I should be very glad, as what may place me in a good light and make me known; but I hear from some of the great ones here, who are my friends, His Majesty will supply the post. So we must cast about in time. What offers is Ratisbon, where we have no minister, and where if I were I should not be out of the way for *Secrétaire de l'Ambassade* when a peace may come to be treated. The project of such a Secretary in some months, of which Mr. Blathwayt and Lord Lexington have spoken here, is fallen; for I may tell my dear Master, Mons. Harlay, whom you have heard to have been at Maastricht with two other French gentlemen on some overtures of peace, can make nothing of it: he could bring Dyckvelt to no sort of beginning, and the thoughts of treating are laid aside at Versailles. If, therefore, anybody is to be a year or two at Ratisbon to see what the Diet does, I may probably be your man.

"If D'Hervort be recalled from Switzerland, as we agree he either is or will be suddenly, I am of no quality and an Englishman, which are two qualifications the Cantons like

in a minister from us. I am not able indeed to cope with Amelott, but Stepney is otherwise provided, and for the rest of those already abroad, with all my heart *luscus inter caecos videt.*

"I know not if Denmark or Sweden may be supplied: Molesworth and Duncomb have done our affairs no good in those Courts, and we must send tolerable ministers (if we can find such) to repair our credit there or make them think we have a King; my last hope, if these projects fail, is a seat in the next Secretary's office; so, my Master and Patron, having our plan and our time before us, we may work with more ease and sureness."

Postscript.—"My obedient service ought always to be given to my Lady Manchester." *Copy.* (X. 108.)

Matthew Prior to James Vernon.

1695, Jan. 4. N.S. Hague.—"By the enclosed you will see what use I have made of your knight errant, and how ineffectual my giving passports for the packet is, whilst this gang convoy their brethren into England by merchant ships. Our Don is extremely cherished by the party, and gone with his female convoy to Rotterdam, in order to their finding him a passage over. He will write to me till his embarking, and tell you the rest of his story in England. I have provided for his escape in case he should be discovered or suspected by his new friends, and have given the Pensioner a copy of this information. The Pensioner has given me the honour of a long audience in order to our taking such methods as may most effectually break this gang and hinder rogues, who really come from France, to pass into England, and wenches to bring letters in their stays or (as Mr. Wolseley says) a little lower. You see we know the sinners: the question is if we ought to enter into judgement against them, or if our shooting a rascal deer or two will be sufficient to disperse the herd. I am to apply myself again to the Pensioner upon my Lord Duke commanding me, what His Grace thinks proper on this matter for His Majesty's service. Wall has been with me again, and agrees with what I was before informed, that the intercourse of messages and letters from France is maintained by Creagh and Henderson at Amsterdam and by Wereaux and Hackett at Rotterdam. I have given him some encouragement; I mean money. He has likewise had some from Mr. Secretary Trenchard. I have taken measures with him that his seeing me may be extremely private, and I believe he may do some service, for there is some villainy brewing by these good men on this side." (X. 110.)

Matthew Prior to Lord Lexington.

1695, Jan. 7. N.S. Hague.—"I accept my good Lord's challenge of the 18th December, though I think you have too evidently the advantage on your side; you and your

Abraham* are too formidable for so poor warriors as I and mine to cope with. When the beautiful Thalestris took up arms, 'twas only the conqueror of the world that durst oppose her; and Venus in the battle was wounded by Diomedes alone, who descended in a right line from about half a dozen of gods. Abraham furnished me with these two fancies, and to show me there is a worse poet alive than his master gave me these verses for a New Year's gift. He is foolhardy enough to be fond of entering into this defiance, and as Hudibras was incited by Ralpho and Don Quixote by Sancho Pancho, so I am pushed by the faithful, who tells me I must fight, and brings me his opinion in metre, as Your Lordship will see it in his own hand if you please to turn over from my poor prose.

"What glory is't for you to maul
"Poor Consul Kick, or old Sir Paul? †
"Such easy conquests but upbraid ye.
"Come, charge your guns, lead up your men!
"Dubb! Dubb! tantara! to Vienne,
"To bang this formidable lady.
"In true heroics 'twill be held
"Much less to gain a vulgar field
"Than to be beat in such a quarrel;
"And whilst our black and blue can show
"What hand it was to give the blow,
"We would not change our thumps for laurel.
"Perhaps they to their force may joyn
"Famars, that Swiss that fights for coyn,
"Or to their Abram add their Davers:
"However, we shall give 'em those
"Who shall return them *quids* for *quos*.
"A clear stage only and no favours,
"Our Pierre shall hold their Peanman tight,
"As soon as he can read and write.
"And if Cuz meddles in the matter,
"We have a lovely she ally
"(But *tace*: that's 'twixt you and I)
"Shall strip her stays off and have at her.

"I dare not sustain Abram's rhodomontade. I own I am a coward in nature, and so far from being able to take up the cudgels against your Abraham and her party, that I ask her pardon for the liberty of my half, and am with all respect Her Ladyship's most obedient and most humble servant." *Copy.* (X. 111.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1695, Jan. 7. [N.S.] Hague.—"What is here most considerable is the account which Count Kaunitz has given the States of Giula being surrendered to General Polland, which,

* Lady Lexington. † Sir Paul Rycaut.

if it does not facilitate a peace, will at least advantage the carrying on a war. The Germans say it is of great consequence, and their minister here rejoices for it.

"We had by the same post the news of the Venetians owning his Majesty's title, of which I have taken occasion to speak as I ought to the ministers here.

"Letters from Dresden say the Elector of Saxe has had a violent fever, and is relapsed into it, which is very natural upon his drinking punch and Italian wines as remedies for his distemper. Mr. Stepney may change his Prince once more. The family have such an antipathy to reason as not to be easy unless they have it drowned, and are so weary of life as to get rid of it by four and twenty.

"Luxembourg has used his lamp more carefully, though, God be thanked, 'tis now very near going out. Some letters say that he has been blooded four times for a pleurisy, and is now in the hands of the priests; so probably France may lose a General, and Heaven may gain a Saint.

"The Elector of Bavaria was married the 2nd instant to the Princess of Poland at Wesel, the new *Electrice* they say is not extremely beautiful, but one of her maids of honour is; an equivalent in politics is valid. Monsieur Van der Branden, destined to the Embassy of England, is married here to a rich widow, whence such young ministers as I may learn the means to get equipage-money advanced without importuning our masters and patrons.

"I hope Your Grace has long since recovered of your indisposition." *Copy.* (X. 113.)

JAMES VERNON to MATTHEW PRIOR.

1694–5, Jan. 1 [–11]. Whitehall.—"I hope His Majesty begins to give way to other thoughts, and that he may find some diversion in business. I hope we may now offer our letters of notification to be signed so that they may be sent by next post, but they would have been presented at Kensington very unseasonably till now.

"My Lord Duke can't yet get rid of his pains which pass so frequently from his knee to his head, and there they have lately occasioned a great disorder causing a weakness in his eye, which is very mortifying considering how he lost the other." (II. 30.)

The DUKE OF SHREWSBURY to MATTHEW PRIOR.

1694–5, Jan. 4 [–14]. Whitehall.—Sends several letters from the King notifying the Queen's death, to be forwarded by Prior to the President of the States' Assembly, and to the King of Poland, the Electors of Mainz, Trier, Köln, and the Palatinate, and Bishop of Münster, through their respective ministers at The Hague. Mourning will be allowed him on his next bill of extraordinaries.

Signed. (II. 31.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

169[4–]5, Jan. 4–14. Hague.—"I have the honour of Your Grace's of the 28th December with the cruel news which touches Holland to that degree that she may contend with England whose sorrow is greatest. I waited on the Pensioner (as in particular from Your Grace) with the sad relation, till the notification of it comes. He humbly returns Your Grace his acknowledgements for it. Everybody here resents the calamity as they ought: we are all abundantly convinced that we have lost the best of Princesses, and are in the greatest apprehensions for his health who only could deserve her. The sole consolation we give ourselves is that we have such men as His Grace of Shrewsbury to comfort our afflicted King, and relieve four sorrowful nations. I prepare mourning according to Your Grace's direction." *Copy.* (X. 115.)

MATTHEW PRIOR to JAMES VERNON.

169[4–]5, Jan 4–14. Hague.—"*O fallaces nostras spes et brevem fiduciam humanam!* What have we to say but our prayers for the preservation of the King's life? I have answered His Grace on this sad subject. I hope you have or will give me a word of instruction how I must behave myself as to the ministers here, if I must give them notice of Her Majesty's death (I vow to God I tremble whilst I write the word) as they have done on such occasions to my Lord Dursley by a deputy, or if I must do it myself; if I must wear a long trailing cloak as is the custom for ministers here, and as Mr. Norf did for the late Bishop of Liége, and Mr. Lelienroet for his Queen, or if not having credentials makes a difference in this matter, so that only myself, servants, horse and coach be in mourning; what else you judge fit for my instructions in this melancholy occasion, which has dazed me into the colic." *Copy.* (X. 115.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

169[4–]5, Jan. 5–15. Hague.—"This morning the States General received notice that on Saturday last the Princess of Frize was brought to bed a daughter.

"We have nothing but the dismal sound of bells, and more dismal chime of many bad poems on too good a subject; but *sic dii voluistis.*

"I hope Your Grace has recovered your health, of which I most heartily wish the continuance." *Copy.* (X. 117.)

JAMES VERNON to MATTHEW PRIOR.

1694[–5], Jan. 11[–21]. Whitehall.—Giving directions as to the transmission of "eight melancholy letters" to the neighbouring Courts.

"Mr. Wall, whom you have mentioned in some of your letters, I find has been making the same discoveries to Mr.

Secretary Trenchard, for aught I know before they were brought to you. Mr. Hopkins tells me you have advised him to make all his applications to my Lord Duke. He has, it seems, been consulting upon it, and they have given him leave to do so if he thinks fit. But my Lord is of opinion he should continue where he has begun, since the King will have the same benefit by his informations, if they prove material: therefore don't alter his former course as to the other office, but for what he will tell you besides, you may let my Lord know it, as you have done." (II. 32.)

MATTHEW PRIOR to [CHARLES] MONTAGU.

1694–5, Jan. 25-Feb. 4. Hague.—"*Pallida mors æquo*—has struck us all here more than an earthquake. I suppose it has had the same effect on your side, but my dear Master has read the philosophers from Epictetus to Lucian, so we are not so much to deplore our loss as to strive to make the best out.

"As to what regards my private self, therefore, in this public sorrow Her Majesty's death may hasten a man of quality hither as Plenipotentiary, which may be Lord Villiers, and from thence we are to take our measures as we can. His Majesty may possibly fill the other vacancies I have mentioned, of Denmark, Sweden, or Ratisbon; a resident may be sent to Florence, another to Venice—*Omne solum forti patria est*. I hope I shall not be left destitute whilst the Duke of Shrewsbury is Secretary and Mr. Montagu Chancellor of the Exchequer. I am very well with the Pensioner and could get him to tell my Lord Portland so, if you judge it necessary. I have written to-night to my Lord Portland, *sans faire semblant de rien;* these matters will be decided before the King's coming over, so we must have a vigilant eye. I call it 'we,' for you, Sir, have always regarded my interest as if it were your own; and when I consider that you have taken your poor neighbour and made a friend of him, and solicited for that friend as if he had been your brother, I doubt not but you will have the reward you deserve (though a good while hence) in the Court of Heaven; and I the credentials I do not deserve to some Court or Republic a little nearer." *Copy.* (X. 119.)

MATTHEW PRIOR to JAMES VERNON.

169[4–]5, Feb. 5–15. Hague.—"I thank you in the first place for your compliment of 'send a wise man an errand'; and following that wisdom of my own I was informed by some much wiser what I was to do as to the ceremonial part of my function; *scilicet*, to take the deepest mourning I could with a band and long cloak, when I delivered the letter to the President of the States, and the other letters to

the ministers here; and to keep my very strict mourning and my band till Her Majesty be buried, after which I am to appear as other mortal men. I give you this *ex post facto* to confirm your good opinion of my wisdom.

"In the next place I am glad and sorry according to your several relations of my Lord Duke's health, in which I know not by what impudent attachment I am as sensibly concerned as if I were his familiar friend. I believe Dr. Sherlock's system of a particular providence; yet seeing my Lord Duke want his health, which is so necessary to support the Government, and our *ci-devant* Master, who would mischief us, well and lusty, seeing the Queen dead and Mrs. Sherlock alive, methinks the Doctor would be hard put to it to clear the objection.

"Our friend Mr. Stepney is not yet arrived here, nor have I any letter from him since one from the Buoy and Nore. I do not imagine the reason of his stay. I shall perform your commands to him as soon as I see him, and we shall both (I dare swear) remember you with the duty that becomes us.

"I have forwarded the letter to Mademoiselle Maleuse." *Copy.* (X. 120.)

James Vernon to Matthew Prior.

1694[–5], Feb. 22 [-March 4]. Whitehall.—"I find Mr Stepney has remembered some books he promised my son. James desires you will add to them Strauchius' *Chronology* and Puffendorf, *De Jure Gentium*, with his books *De Rebus Suecicis*, which are not to be had here, and what these come to I'll take care to repay it.

"My Lord Duke is still in the country, and does not so much as mention when he will be coming up. I find the air has not removed his pain, but that he has it after the old manner, sometime in his head, and lately again in his knee, which is the better place of the two; and if it be goutish humour, I wish it would declare itself and settle where it ought to do. In the meantime it can't but make him very uneasy and some others too who have so many reasons to be concerned for him. The letters you sent me were from the Abbess of Herford to condole, and from the Landgrave of Hesse-Darmstadt to notify the birth of his daughter. The third with red wax, not knowing what that may contain, I have sent unopened to the King.

"As to what you writ lately about the omission of *Serenissimus* in the titles of the Mecklenburg family, I have looked into the old books and find it has been formerly given them; and therefore wish it had been so now, but in the hurry of so many letters that were to be despatched at one time . . . . this has been overseen; and the like slip in the letter to the Duke of Holstein-Gottorp, which shall be mended for the future." (II. 33.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

169[4–]5, March 8–18. Hague.—"We have had nothing new here for some months but volumes of bad poetry upon a blessed Queen. I have not put my mite into this treasury of nonsense, having been too truly afflicted by the subject to say anything upon it, besides that memoirs, letters, accounts Dutch and French, and, what is a worse plague than all this, very long and impertinent visits are great incumbrances on an English Muse who in her perfect liberty was but indifferent, though my Lord Dorset's kindness brought her up, and his example taught her.

"I am striving with my prose affairs, which indeed concern me nearer. My dear Lord and patron will pardon me whilst I represent them to him, and, I am sure, will assist me in the bettering of them.

"'Tis more than probable that His Majesty may before his coming name an envoy for Holland. I know no way of being named to any of these employments but by the recommendation of men like Your Lordship, and shall not despair of something of this kind, if my Lord Dorset please to tell them that I have been under his protection sixteen years and five of them in His Majesty's service. I am not vain enough to be left in hopes of staying here with that character, if nobody be named of quality or experience as Plenipotentiary. I am confident Your Lordship's appearing for me might make me Resident, if one be named. The same kindness may, I believe, send me into the North, or fix me Resident at Ratisbon or Venice." *Copy.* (X. 124.)

JAMES VERNON to MATTHEW PRIOR.

169[4–]5, March 24[–April 3]. Whitehall.—"I have received your letter of the 20th and shall be always ready to give you more than my advice, if it lies in my power to serve you. As to the matter in question, you know, I suppose, Mr. Wolseley has long solicited and is designed for some part of Italy. Where he is to fix, or when he is to go, I do not so much as know whether it is resolved on. It is expected that some nobleman will go make the first compliments in those Courts; but when he will make any room for Residents is yet uncertain, or whether any such thing will be in fashion on both sides: I am persuaded at least that it will be the consideration of another year.

"As to the Northern Courts, they are out of our province and therefore I have less to do to enquire how they are or will be supplied.

"When any of the recommendations of this kind lie in our hands I think my Lord Duke has kindness enough for Mr. Prior not to forget him. I must confess I am not in pain lest it should not come to your turn to fill one Court

or another, and I am satisfied an envoyship will fall sooner to your share than a gentleman usher's place.

"I have been scribbling trials again, but now I am fain to do it by hearsay, being more employed of late in bringing people to the Old Bailey than to have leisure to attend them there." (II. 37.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1695, March 29 [-April 8]. Whitehall.—"Mr. Vernon is entirely of opinion that it will be better to let the mourning alone till you make up the next bill [of extraordinary disbursements]; for putting the chariot, horses, etc., with the mourning swells it so large that there will be no small difficulty to get the bill allowed. I have therefore struck all the mourning out of this bill. Mr. Vernon likewise finds fault with the particulars of the mourning, thinking 35*l.* too much for covering your chariot and harness, and 110*l.* 5*s.* for yourself and five servants. In the next bill you may please to insert the whole 196*l.* 5*s.* in one gross sum for a deep mourning for yourself, your family, your coach and equipage, and putting your house in mourning, etc.

"Your bill for this quarter which [*sic*] with the mourning would have been 614*l.* 1*s.*, but the mourning being deducted it amounts to only 417*l.* 16*s.*, I shall give it in to Mr. Vernon to-morrow morning in order to its being allowed, and it being usual to make him a present upon allowing of such bills, I desire you to let me know how much you would have me present him with; and what you pay in that manner you may please to insert under the head of fees paid at the Treasury and Exchequer upon the receipt of money.

"You may please to write to Mr. Montague to acquaint him that you have sent such a bill of extraordinaries to Mr. Vernon, and to desire his favour in ordering the payment thereof." (VIII. 45.)

JAMES VERNON to MATTHEW PRIOR.

1695, April 19[–29]. Whitehall.—"I could only tell you by the last post that I had received your medals, and I can now satisfy you they are distributed; and must further acquaint you, if you think this will acquit you from the expectations people have of a poem from you, you will be mistaken, for they say you are not to come off with a posey and a shred of Horace; and they further desire, if you write anything in memory of the Queen, that you will take a little more notice of her than you do in her stamp, where she is neither represented by the effigies or the motto. I know not how you will like it, I should tell you what the critics say; but they say some poets and painters have placed themselves behind a curtain on purpose to lie *perdu* for censures." (II. 38.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1695, May 13. [N.S.] Hague.—"On Wednesday we tried one of our bomb-vessels on the Maas with good success. Nine of these vessels will be ready in four days. We are to have three more, but they belong to the quota of Frize, and will not be ready so soon. If they are so at all, it is well.

"All is quiet in Flanders till our *anima mundi* comes to move the great machine." *Copy.* (X. 130.)

JAMES VERNON to MATTHEW PRIOR.

1695, May 7[–17]. Whitehall.—"I endeavoured to have waited upon Sir William with those letters, but he not being at the Office, I left them with his secretaries Ellis and Tucker, and told them the chief of my errand was to recommend my son Prior, that, as he was drove out of one place, he might be provided for in another; and I let them know we had always reserved Ratisbon for you. They are both your friends, and I believe their patron is so too, so I hope that won't fail to make surer of it. I spoke this morning to Mr. Blathwayt, who always concurred for placing you at Ratisbon as the last resort, and I fancy it will pass through his hands to send you thither." (II. 39.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1695, May 10[–20]. Whitehall.—Announcing his appointment as one of the principal Secretaries of State, and adding the following postscript in his own hand:—

"I have taken the liberty to recommend you particularly to the King upon my Lord Villiers' going over. I found His Majesty very well disposed, and though I have time to write no more now, yet, when you will let me know your mind, I will readily embrace any opportunity of serving you. I hope ere long to thank you for your poem, as I do now for the medal." (II. 40.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1695, May 17[-27]. Whitehall.—"Lord Villiers is appointed Envoy Extraordinary to the States General of the United Provinces, and Plenipotentiary at the Congress in the same manner as my Lord Dursley was, with the like allowance of 5*l.* a day as Envoy, and 3*l.* a day as Plenipotentiary.

"Finding by this that your commission would determine, I have been with Mr. Ellis to know of him what provision or care would be taken of you when my Lord Villiers came over. He tells me he believes you are designed for Ratisbon; but that matter being to be settled by the King, now he is on your side of the water you will know it before him.

"I need not, I suppose, give you any caution to take care that if you are appointed to that station, that in the warrant

for your privy seal you get an allowance of equipage. If you are allowed 3*l.* a day, your equipage ought to be 300*l.*" (VIII. 53.)

JAMES VERNON to MATTHEW PRIOR.

1695, May 17[–27]. Whitehall.—"I have not had time to read your poem, but, however, I am sure it deserves my thanks; I have presented the other to my Lord Duke.

"I am very glad you have already a prospect of being provided for at Ratisbon. If you don't find much to do there, I know not whether you will be very sorry for it. I have heard how two of your predecessors spent their time there, Mr. Pooley in making love to the *fräuleins* and Sir George Etherege in making lampoons upon them. I should be pleased to see you settled there." (II. 42.)

MATTHEW PRIOR to LORD VILLIERS.

1695, May 21–31. Hague.—Congratulating him on his appointment as Envoy and Plenipotentiary. *Copy.* (X. 131.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1695, June 3. [N.S.] Hague.—"The Pensioner goes to-morrow morning to Breda to meet His Majesty there.

"The States Provincial adjourned this day till Wednesday sennight.

"I presume to send you the last scandal we have from France, and a good *lardon* which De Breuil* has given us here. You will please to observe what a *philosophe* I am to be calmly reading these matters in this crisis of my fortune, and going on the old road without being tormented with the ambition of being a resident within this month, or dejected with the fear of being nothing. But my affairs are in faithful hands, and I believe my security proceeds from Sir William Trumbull's being Secretary of State." *Copy.* (X. 132.)

LORD VILLIERS to MATTHEW PRIOR.

[1695,] May 28[–June 7].—"I am extremely pleased to hear that the honour the King has done me in sending me to The Hague is any ways agreeable to the acquaintance I have there, and that their kindness to me has contributed to the favourable opinion that you can have of one so little known to you as myself. Upon our better acquaintance I'll endeavour to improve it. About this time fortnight I shall be ready to embark if the convoy is ready. I hope I shall find you at The Hague to receive some instructions from you." (II. 45.)

* *Cf.* Prior's letter of July 20, 1695, and Vernon's letter of June 30—July 10, 1696, pp. 57, 81, *infra.*

The Earl of Pembroke to Matthew Prior.

[1695,] May 30[–June 9]. London.—"I am always very well pleased to receive your letters. I have according to your desire recommended you to my Lord Portland. I wish that my speaking may have as good success as you are pleased to think it may. None who have heard of the Queen but ought (for the sake of her memory) to give you thanks for your ingenious medal. I am particularly obliged so to do for your having sent one to me." (II. 5.)

R[ichard] Powys to Matthew Prior.

1695, May 31[–June10]. Whitehall.—"I have this day delivered Madam Prior the tallies for 508*l.* 16*s.* for the quarter ended in February last. It will be a year and a half before they become payable, but interest is allowed after the rate of 6 per cent. I have on the other side given you an account of the money I disbursed which Madam Prior will repay me. I am to return you my humble thanks for the kind present you were pleased to order me, which I protest I was ashamed to receive, having not done anything sufficient to deserve it.

"I expect every post to hear you are ordered for Ratisbon. *Endorsed.*

Laid out for Mr. Prior.

	l.	*s.*	*d.*
"Paid fees for his bill of extraordinaries ended 1 Feb., 1694–5	2	0	0
To Mr. Vernon 3 guineas	3	15	0
To the Clerk and Chamber-keepers	0	15	0
Fees of 2 warrants and orders at the Treasury	4	5	0
At Sir Rob. Howard's Office	6	15	0
At the Pells	3	8	6
At the Tellers	6	18	0
To Mr. Shaw 2 guineas	3	0	0
	30	16	6

"I believe you will a little wonder to see in one place 2 guineas, 3*l.*, and in another 3 guineas only 3*l.* 15*s.* When I gave the 3 guineas to Mr. Vernon guineas were then only 1*l.* 5*s.* each; but now they are 30*s.* I hope I shall have your approbation of giving the 2 guineas to Mr. Shaw, it being done by others." (VIII. 57.)

Matthew Prior to Sir William Trumbull.

1695, May 31–June 10. Hague.—"When the Chief Secretary of England writes to the meanest only to tell him he is doing him good, what sort of look should the young one put on? Should he make a civil bow and retire, or trouble his master with abundance of thanks? I asked Mr. Dyckvelt the question when I gave him Your Honour's letter this morning,

and he could not resolve me, for that in the course of his ministry he had heard of no such example, and fancied me, being a little poetically given, to have imagined so much goodness rather than really to have found it. Seriously, Sir, I don't know how to express myself in this occasion; and though my fortune depends upon Mr. Blathwayt's answer, I protest I am less anxious about the content of those letters than about owning my obligations to Sir William Trumbull. I should be glad to turn the discourse if we had anything here worth troubling Your Honour with.

"Mr. d'Opdam is gone to the Army, and Mr. Ireton is arrived here, which is all I know." *Copy.* (X. 132.)

Matthew Prior to the Duke of Devonshire.

1695, June 14. [N.S.] Hague.—"Before I knew if Your Grace had pardoned my troubling you with an indifferent medal, I ordered Tonson to address in my name to Your Grace with a more indifferent poem; and whilst I was conscious that I ought to write to Your Grace a very humble letter to implore your pardon for this double presumption, Your Grace without my writing has been pleased to send it to me, signed by your own hand, and accompanied with particular expressions of your favour. You will give me leave, my Lord, rather to be surprised at the kindness than to know how to acknowledge it, and let me make an unmannerly bow and retire, rather than a tiresome long speech, or detain you from the government of the nation, whilst I repeat your humility and goodness to the meanest member of it. I dare only add that I am extremely sensible of the great obligations I owe to Your Grace, that I shall strive to deserve the favourable opinion you have been pleased to conceive of me, and bless this first act of mercy in your regence, by which I find Your Grace pardon two such crimes as the committing bad poetry and plaguing our Governors with it.

"On my Lord Villiers coming hither I know not if I am to return to England, or be employed elsewhere. They talk of sending me resident to Ratisbon: this only I know sure of my fortune, that Your Grace's commands may find me here some time." *Copy.* (X. 133.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

1695, June 11–21. Hague.—"I received Your Lordship's letter with the most profound respect imaginable, and I own your kindness to me with the most sincere gratitude. It is not in the power of words to tell how much I owe to you, and if it were, my Lord would not hear it; so I had better turn the discourse, and let the Secretary write to one of his Sovereigns and Masters, than the orphan and the poor boy

to the patron, who brought him up, and the friend who protects him. We are here as licentious in making news as at London: our Dutch Tories and Jacobites spread the stories they would have true, and one knows from most accounts what faction he is of that gives them. The talk of the most sensible is that we may attack the fort of Knock, upon which, if the Duke of Villeroy marches to that side, the Elector of Bavaria may break in upon the lines between the Lis and the Scheld, he being at present encamped at Castre near Oudenaerde. My Lord Athlone decamped on Sunday night from Bethlem near Louvain, through which he passed to Tirlemont, to join the Brand[enburg] and Liége forces, which are marching thither.

"The French having passed the Rhine content themselves with the action, having only encamped themselves, which I think the Germans are very willing to compound with, provided they mean no more. Prince Louis [of Baden], to give him his due, disposes all things as well as he can. He has mettle enough to fight if he had men, and has prudence, not having them, to desist it. The King has sent the Count de Frize, a Saxon, who is disgraced at that Court for standing up against arbitrary power, and General Schöning, his envoys to Prince Louis.

"The siege of Cazal [Casale] is again resolved, and the cannon brought up on Piedmont side. I believe our hopes of success are founded in the want of provision in the place.

"After our King's and Prince's affairs I may bring in my own, since Your Lordship has thought them worth your mentioning. I can only get for answer that the King is too busy to mind anything but what regards immediately the war, so cannot yet tell what is to become of me. I have presumed to send three small pieces." *Copy.* (X. 135.)

Matthew Prior to Sir William Trumbull.

1695, June 24. [N.S.]—"The Dutch squadron with the bomb-vessels sailed yesterday morning from the Maas and Texel, part of them were seen off from Scheveling about noon, and we doubt not but they are on the English coasts before now.

"The States General have ordered the 6th July, N.S. as a day of fasting and humiliation and prayer for the blessing of God on the arms of His Majesty and the Allies. The States Provincial met on Wednesday and continue their assembly.

"The Elector Palatine arrived yesterday at Rotterdam, and will be here in a day or two. - *Homo homini quantum distat!* Whilst the King of England is battling in Flanders, and Prince Louis guarding as well as he can this man's own Rhine, he is cheapening china dishes at a toy shop in Holland, and King James is chomming [*sic*] a musty saint at St. Germains. All that we can have from the army to-day is by

way of Brussels and that very imperfect; our letters from the army immediately Your Honour will receive with this I now write. From Bruges they advise that all the 21st and 22nd great shooting has been heard from the fort of Knock.

"The Baron de H[e]yde was the 21st at Henau near the Mehayne [Méhaigne], and received, whilst he was writing his letters to the Brandenbourg Minister here, order from His Majesty to march with the troops; our next will tell whither.

"I have received Mr. Blathwayt's answer as to my own affairs, that it is His Majesty's pleasure I stay here some time after my Lord Villiers's arrival; so probably I may be *in statu quo* till the end of the campaign. Mr. Blathwayt does not know, he says, but that Mr. Stepney may be ordered to Ratisbon. I do not despair, however, of that or an equivalent, if the same patronage that has already recommended supports me." (X. 137.)

Matthew Prior to Sir William Trumbull.

1695, July 5. N.S. Hague.—"The States have letters to-day that Namur is invested by my Lord d'Athlone and the troops that were on the Maheyne [Méhaigne]. There are 15 battalions in the town. The Count d'Harcourt, who would have thrown in more, has been forced to retire before the Baron de H[e]yde; and M. de Boufflers is likewise cut off from reinforcing the garrison. His Majesty is at Masy, to which place God send him victory." *Copy.* (X. 138.)

Matthew Prior to Mr. Blathwayt.

1695, June 26–July 6. Hague.—"The Elector Palatine is still here: he runs to all the Mass-houses in the town all day, and sounds his trumpets on the Fiver [*sic*] all night; which is very discreet in a Protestant country, and whilst the Prince of it is at the head of his armies." *Copy.* (X. 139.)

Matthew Prior to Sir William Trumbull.

1695, July 5–15.—"You will hardly acknowledge this order to be yours, though we have looked upon it to be valid enough to put Mr. Somerville in prison till your commands are known as to what you would have done with him. He has already confessed the cheat, and pretends to be able to make some discovery which may be for His Majesty's service.

"Your Honour will hear that the trenches before Namur were opened the 11th and 12th, and that we have six batteries raised against it, and all goes as well as the beginning of a siege can expect.

"The Marquis de Villeroy decamped the 12th from Escanaffe [Seneffe]; and being reinforced with great part of the troops commanded by the Marquis de Boufflers, which make

a body of above 80 battalions, is marched not within the lines, as our Brussels letters say, but towards Ath: at least they have with them cannon, pioneers and instruments proper for a siege." *Copy.* (X. 142–3.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1695, July 20. [N.S.] Hague.—"Enclosed I send the last edition of *The Present State of France*, which I received last post from Paris by the means [of] De Breuil, our honest French *gazettier*.

"I have waited on M. de Plessen, and concerted matters with him concerning his voyage. Captain Robinson has likewise been with him to show him that our sea officers are better bred than those of his own country.

"I do not know if you have heard that Prince Christian, second son to the King of Denmark, is dead at Ulm, coming thence towards Italy from Vienna.

"The Elector Palatine continues at Amsterdam, and true Bartholomew Kocks buys all the shop. The Prince of Hesse-Darmstadt is with him, and will be here in a day or two.

"As to my own affairs, I pretend to merit from you in having kept a shoal of letters which my friends and patrons would have troubled you with but that I told them you are too busy to mind their solicitations at this time, and too mindful of my interests to need their solicitations at any time. *Tibi me commendo et res meas. Copy.* (X. 143–4.)

MATTHEW PRIOR to LORD VILLIERS.

1695, July 20. [N.S.] Hague.—"Mr. Swinfurt giving Your Lordship the news we have here leaves little for me to add more than my wishes that this may find Your Lordship well at the Army. Your Lordship's goodness to me makes me hint my own affairs. Mr. Stepney writes amongst other things to me from Frankfort the 7–17 July thus:—*Mr. Blathwayt tells me positively that my fate shall be determined next post, and Sir William Trumbull is so kind as to ask me where I have a mind to be. I have told him that I believe the die will be cast by Mr. Blathwayt before my letter reaches England, and that since I cannot choose my employment, because there are but two vacant, I must expect to be sent either to Vienna or Ratisbon. I have told him I would avoid as much as I can falling into your light, I mean Ratisbon.*

"Your Lordship sees by this part of Mr. Stepney's letter that his affair and consequently mine (for I presume they will both be done together) may be determined sooner than I imagined. Mr. Stepney would not cross me in my hopes of Ratisbon, and I should be too tender of a great friendship, long maintained between us, to ask it, if I thought it his or likely to be so; but since in all probability he will be thought too useful to be confined to a dull Diet, or may probably be disposed of at Vienna (which is really his post, being His Majesty's Minister to the Elector of Saxe), or

indeed wherever he may have occasion of an able Minister, I think I may without immodesty remind Your Lordship that the Secretaries of State have already referred themselves on this subject to Mr. Blathwayt in my favour, and that five years and some little money (at least all my poor fortune) spent in His Majesty's service makes me hope I may not be disappointed after a thousand hopes, fears and congratulations. I believe Your Lordship's engaging my Lord Portland on our side may clinch the nail. I am sensible my requesting it is too bold, but Your Lordship's very great goodness to me is the cause of it, and you must not be so sincerely kind if you would be less troubled." *Copy.* (X. 144.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1695, July 12[–22]. Whitehall.—"I have yours of the 2nd and 5th instant which came together with a copy of James Somerville's pretended orders from me, which are forged, for I never gave him any instructions, having no knowledge of him; but at the desire of Mr. Aaron Smith, who had used him in some matters relating to His Majesty's service here, did recommend him to Mr. Blathwayt as a man fit to serve in the Army. This fraud having been committed in Holland, I desire he may be proceeded against there according to the laws of the country, and that you will give my thanks to the Pensioner for his care in detecting the cheat." *Signed.* (II. 51.)

MATTHEW PRIOR to BEN PORTLOCK.

1695, July 17–27. Hague.—"You were the first swain that ever I read of who lay on the brow of a hill when there was such hot work in the valley. You must break your pipe and take your trumpet, Ben:

Ille ego qui quondam gracili modulatus avena,
Arma virumque cano.

I commend your posture: lying upon your belly is safer than standing upon your feet; and your legs are no more to be relied on than the Hanover Horse. You know they ran away the last battle. I am disappointed in all I hoped, which makes me melancholy enough to wish myself at Namur:

In battles and bullets and fire
The danger is less than in hopeless desire:

as the ballet very elegantly expresses it. *Adieu!* come home with all your limbs."

Postscript.—"Where is Ben Conway, or how may one direct to him?" *Copy.* (X. 146–7.)

MATTHEW PRIOR to LORD VILLIERS.

1695, July 17–27. Hague.—"In obedience to Sir William Trumbull's commands intimated to me in the enclosed, I

have spoken to the Pensioner and to Mr. Consul Kirby, who is now here, concerning Somerville. I believe his having been imprisoned is his punishment, and all we can do to him will be to let him go again, except we have a mind to keep him in prison. Your Lordship remembers the fellow in Terence :—

Ducunt damnatum domum ;
Alere nolunt hominem edacem, et sapiunt mea sententia,
Pro maleficio beneficium si summum nolunt reddere.

"As to what regards some order in the passports, I have written positively to Mr. Vander Poele not to let any person embark but with passport ; and repeated to him the King's order thereupon. I have written the same thing to the masters of the packets. I do not know if Your Lordship will find them at leisure enough to get this matter settled at the camp (at least at your return, I hope we may) and to give Sir William Trumbull some fixed method of making the thing practicable and useful, or to represent its being rejected as being not so.

"I am confident of Your Lordship's willingness to help me in this incertitude of my fortune, so Your Lordship need not excuse your not writing to me, and I hope I need make no apology for telling you that Mr. Blathwayt is of opinion that if Mr. Stepney goes not to Vienna (as most probably he may not), Ratisbon will not fail him, upon which consideration I become *le Ministre de la Fortune, et le très humble serviteur des événements.* Your Lordship will please to make use of this hint as you think good, as to conceal your having had it from me. If Mr. Stepney be denied to go to Vienna, 'tis a chimera to think they will let anybody else go. I could make all my interest over again for Berlin, if I thought His Majesty designed any thither, and I would buy me a Veneroni's Grammar and perfect my Italian if I had any assurance or promise that I should be your man for Florence. Your Lordship will pardon me, I protest I should not dare to trouble you thus saucily, but that my affair, plainly speaking, may take the turn which my Lord Portland's intercession pleases to give, and that in all probability I may be either disposed of at the same time with Mr. Stepney or be forgotten long after." *Copy.* (X. 147–8.)

Matthew Prior to Mr. Emerson.

1695, July 20–30. Hague.—"I wrote to you by way of the Army last Wednesday was sennight to assure you of my having writ as well to Mr. Hill as to Mr. Cardonnel concerning your affair, and I am confident they will both advance it *secundum omnem possibilitatem.* I thought long before this time to have heard you were curing at Liége, and should have suspected your letter from Ghent as a *contrefait,* but that no man living writes a hand like you. I have written

again to Mr. Cardonnel that he should remember Mr. Blathwayt of your case ; and if I do not write to the Secretary immediately concerning it, I have my proper reasons for it, which are better to be told you when I see you than trusted to writing. My own affairs are infinitely more uncertain than yours can be ; and with the interest and credit that the world thinks I have I struggle with difficulties that are almost insupportable : but this is only between you and I [*sic*], for I laugh at disappointments and would have you do so too. Your point of honour is a little too delicate : no man is to be blamed for not having his deserts ; and the going on to do one's duty (let the success be as it will) is the established maxim of all wise men from King Solomon to King William. I give you this philosophy because I can give you nothing else at present, as the Irishman who, inviting his friend and having no meat, gave him snuff. In the meantime believe me I do whatever I can for you and I do not question but that it will turn to good. Give my service to Dr. Morell." *Copy.* (X. 150–1.)

Matthew Prior to Ben Portlock.

1695, July 20–30. Hague.—" I write to you upon a matter of justice and charity, two points that may seem ridiculous to you that are a heathen ; but they are such as my Lord Duke [of Württemberg], with all his courage, dare not resist. Do you but say it is to do a favour to a man who really deserves it, and I dare answer for the rest. It is our friend Dr. Emerson, who having good learning, coming on his own expenses to the camp, and having all that should qualify him for physician, having too served three years as Extraordinary Physician to the hospitals, has the bad luck this year not to be entered in pay yet, though the campaign is half over ; and that only for want of having it represented to Mr. Blathwayt or Sir Harry Bellasis that he is useful. If my Lord Duke would therefore only espouse this cause so far as to let you write a word or go with a message in His Grace's name in Mr. Emerson's behalf, he would questionless be put in pay, and freed from those anxieties which so great a disappointment casts him under. Prithee, dear Ben, have a fellow feeling. Apollo was a doctor as well as a poet, and could cure fevers as well as make odes. Give my most obedient service to my Lord Duke : I tremble for him in this damned cannonading. When he has taken the town, I hope to send him some money to spend in it." *Copy.* (X. 151.)

Matthew Prior to [Arnold Joost van] Keppel.

1695, August 3. N.S. Hague.—" The siege of Namur gives you toil enough at this time, and the clamours of petitioners allow you little quiet at any time. I should not have dared to appear amongst that number, though your kindness to

me at The Hague gave me all the encouragement imaginable, if my Lord Villiers at his return had not told me I might do it without any way offending you. I am extremely obliged to you, Sir, for the kind reception you have been pleased to give me, and I thought to have justified your good opinion of me by showing you I had modesty enough not to importune you; but when all one's fortune lies at stake, one easily forgets good manners. No man would be accused for crying out in a storm, or called a clown for rudely taking hold of his superior to support him if he be just falling. After having hoped, feared, been promised, and (which is worst) congratulated for Ratisbon, the King thinks there is not enough for a minister to do there. 'Tis true His Majesty knows best, for he is as evidently the most experienced man of our age, as he is the best Prince; and if he had been born a private man, he would have made a greater Ambassador than any State ever employed; yet I have one objection that could puzzle him, which is, that though Ratisbon may not want a resident, his Secretary at The Hague will soon want a residence; and though His Majesty have small use for a scribbling servant, I have great occasion for the bounty of a Royal Master. Wherever he pleases to send me, I am ready to go; where, if there be not much business, I shall apply myself to those studies that may make me capable of doing his business when there is any; and when there is nothing, to be written for his service in prose, I will write his conquests and glories in verse. A resident or envoy may in some small time be sent to Venice, another to Florence: be it at either of these two places, at Ratisbon, Berlin (where, may be, His Majesty may send rather a resident than an envoy,) at Stockholm, Copenhagen, or even Moscow, it is well, provided I may serve my King, my hero and my Master; but it is a sad reflection for me to think of going home as if I were disgraced, after having served here five years with some credit, and spent my little all in order to my being fit for something hereafter; and I take the boldness to protest to you I cannot think of returning to my College, and being useless to my country, to make declamations and theses to doting divines there, having drawn up memorials to the States General in the name of the greatest king in Europe. You will be pleased to pardon the freedom of this letter, and to help me in this conjuncture of my fortune." *Copy.* (X. 152.)

Sir William Trumbull to Matthew Prior.

1695, July 26[–August 5]. Whitehall.—"There is always a good deal of impertinence in business, but never so much as when it hinders one from enjoying the company one likes. It is now my fate, in respect of your letters, which though I have not time to tell you with what pleasure I receive, yet I must keep some of them to myself, and answer that of the 19–29, without letting it go into other hands.

"As for Somerville I have no more concern at all; let him go and (I dare say he will) be hanged.

"But I have a great deal for so good a friend as Mr. Prior, and if I were not so well acquainted with the uncertainty of all things in this (English) world, I should have been more surprised than I am at Mr. B[lathwayt]'s proceeding in this affair. For after I had wrote in your behalf with more warmth than I use to do, and had an answer that my representation of you had been laid before the King and kindly taken, and after your stay at The Hague some time to inform my Lord Villiers, His Majesty (no doubt) would gratify this request, I could not have imagined to have heard of this disappointment. Pray let me know, if you can learn, the true reasons of this matter, or if you can guess that you have any way displeased Mr. B. And when I hear from you I will tell you more of my mind. But let all this (as what else I now write) remain private between you and I [*sic*]. Tell me also, if you intend for England, and when, and wherein you think I may be any ways useful to you; I will faithfully endeavour to do you all the service I can.

"If you think fit, send me word what my Lord Villiers' business was in going to the King at Namur. I sent three letters by him to the Pensioner, Mons. Schmettau and Lilierote; but I never heard one word whether he thought fit to deliver them or not. Give me some account of them, if you can. Burn this scribble." (II. 52.)

R[ichard] Powys to Matthew Prior.

1695, August 2[–12]. Whitehall.—Money matters.

"Madam Prior complains she has not heard from you a long time. She says her daughter Villiers, being furnishing a country house, writ to you some time since to buy her some pictures, but has no account whether you received the letter." (VIII. 73.)

Sir William Trumbull to Matthew Prior.

1695, August 2[–12]. Whitehall.—"Though the King doth not think fit to send a minister to Ratisbon, yet some place or other may be found for you; and it being easier to find a place than to make a minister so fitted as you are to the King's hand, and to his mind too, as you see by what he has been pleased to say of you to my Lord Villiers, you may in my opinion be sure he will not let you lie out of employment longer than needs must, and you ought to be contented with his most gracious declaration in your favour, and never to entertain the least doubt of my doing you all the service that possibly I can." *Signed.* (II. 53.)

Matthew Prior to Lord Lexington.

1695, Sept. 2. N.S. Hague.—"I hope you do not think me so unreasonable as to expect a letter from you for

every one I write: no, my Lord, that would not be fair trading; the advantage would be too evident on my side, and I should be more a Jew in my correspondence than either Judah or Levi in money matters on the 'Change of Amsterdam. You say in yours of the 20th that you write to obey me. You obey me! When this is right (as Mr. Dryden says)—

Then let the sun no longer rule the day,
And midnight tapers show the moon her way.

"You see I am very angry; my Lord, for all your kindness I have nothing to return but bare obedience, and you are going to take that from me, and shortly you will thank me for having been obliged by you. I hope my Lady and Mrs. Davers will not give me reason to complain in this kind: they are of a sex that we seldom accuse of being too kind, and all that one expects of them is that they should not despise and rail at one if one does not love them, or not vex and plague one's heart out if one does.

"The King will have nobody at Ratisbon out of a principle of good husbandry; or if he would, I have reason to think (for indeed Mr. Stepney as well as Mr. Blathwayt tell me so), that the first must be the man. My Lord Villiers has asked the King very kindly for Ratisbon, as I have told Your Lordship the Secretaries of State have done likewise, but I am afraid *I have no occasion for a minister there* will be an argument as well against Stepney as myself. But here I am still, with my twenty shillings a day. Most places are *durante bene placito* except those of a judge or a bishop, and as long as I do not starve, I have no reason to complain.

"My Lord Villiers is here. He defers his audience till this business of Namur be over. I have made Your Lordship's compliments to him: I have told him too, he should very shortly have his right of correspondence with you, but that I would keep it off as long as I could, and I think it reasonable that he allows me my Lord Lexington and his secretaries since I give him freely up all the other members of the Ministry from Lord Pagett down to Consul Broughton."

Postscript.—"Storer is gone by: I have drunk Your Lordship's health with him. I refer you to Mr. Famars for the news. I cannot think the French will attack us, though they must do something *pour sauver la gloire de Louis le Grand.*" *Copy.* (X. 156).

Matthew Prior to the Earl of Portland.

1695, August 31–Sept. 10. Hague.—"I take the relation of my Lord Villiers' audience yesterday for a pretext of troubling Your Lordship. The harangue he made to the States was short and very well: the substance of it—that he was commanded by His Majesty to renew the assurance of His Majesty's friendship and kindness to the States. My Lord added that he was by so much the more glad, as to his

particular, to have been honoured with this commission, having lived here and known personally several of their Lordships.

"Mr. d'Odyck, who was President, answered extreme well —that the State owed its foundation and establishment to His Majesty's ancestors, and to His Majesty all the prosperity of their estate and the success of their arms; that all their good depended upon His Majesty's life, which therefore he and the whole State desired God Almighty to prolong; that therefore a minister that came with a character from His Majesty was sure of all kindness and respect; and that my Lord Villiers was more particularly so for his virtues and merits. The rest was all eating and drinking the King's health. All the public ministers dined with my Lord from Count Kaunitz, the Emperor's Plenipotentiary, to Hunniken, for Lunebourg; and we drank *au Roi de la Grande Bretagne* yesterday, as we must do *au vainqueur de Namur* next week.

"Your Lordship will give me leave to congratulate your safety after all the toils and hazards of a siege memorable to all posterity, and to tell you that we are all as much rejoiced at the great reputation you have gained there as we were solicitous for your life whilst you were exposing it as became so loyal a subject; though seriously, my Lord, we are a little concerned at your using the Marquis de Boufflers so *en cavalier*, and cannot blame Villeroy and Choiseul for getting out of your way, since you have so quick a method of making people understand reason, and bringing them to the rules of justice." *Copy.* (X. 157–8.)

Sir William Trumbull to Matthew Prior.

1695, Sept. 17[–27]. Whitehall.—"Care will be taken here of the poetry,* and that it do not suffer in the printing, as it is pity it should. I see no reason why the author should be ashamed of battering B[oileau]'s poem, and reducing it, any more than we the Castle, since it is our honour that everything that concerns Namur be on our side. However, I have enjoined T[onson ?] silence, as is desired, though it is not possible to keep it long a secret. I will add but one circumstance to that purpose, which is, that Fleet[wood] Shephard knows it." *Signed.* (II. 54.)

William Blathwayt to Matthew Prior.

1695, Oct. 1–11. Hague.—"I have laid before the King your letter of the 27th past wherein mention is made of their Excellencies having consented to Colonel Hobson's staying out fifteen days longer, and of the extracts of letters from Colonel Hobson and Sir G. Rook, which His Majesty has

* *I.e.*, Prior's *Ballad on the Taking of Namur.*

likewise seen, and is pleased nevertheless to command me to send a copy of my last letter to you relating to that squadron, which His Majesty would have hastened out as was first intended, wherewith you will please to acquaint their Excellencies.

Postscript.—"The States have proceeded almost to a settlement of the State of War for the next year, which will not be unlike the last both for the sea and land forces." (II. 55.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1695, Oct. 11[-21]. Whitehall.—"Mr. Tucker after many scruples hath at length passed your bill of extraordinaries. I have always wanted directions from you what to do on passing your bills, but believing you leave it to me in general to do as I think fit, I have made pretty bold with your purse and given Mr. Tucker three guineas, which is 4*l.* 10*s.*† to make it slip the better, and remove the obstacles he made. He complains you do not correspond with him as you ought. On Wednesday next (which is our money day) I will give Mr. Montague a memorial of what is due to you, and pray do you write to him to assist you now your bill is past.

"The King arrived at Margate yesterday, and will this night be at Kensington." (VIII. 93.)

MATTHEW PRIOR to [JAMES] VERNON.

1695, Oct. 15–25. Hague.—"If I consider the part you have always taken in my affairs, I ought to have given you an account of them last post, but if I remember how much business you must needs have upon your hands just on His Majesty's coming over, it might (may be) have been manners in me to have deferred it a post or two longer: so far by way of prelude, and now to enter into matter: upon His Majesty's arrival here my Lord Villiers represented my services very much beyond what they deserve, and indeed to that degree that His Majesty was obliged to tell him that he had a good opinion of me, and to manifest it he has declared his pleasure that I continue here till he shall think fit to employ me elsewhere; which I take to be much better than to saunter in the Court of Request and interpret the votes to Blancard, or be squired by that mirror of knighthood, Sir Fleetwood, through every tavern from Fish Street Hill to the Cockpit. The next thing to be considered was the pay, which (because the extraordinaries which the King thought fit to allow me before the arrival of a minister will be retrenched after) my Lord Villiers proposed to be augmented in the ordinary allowance, and has so far advanced in it, as that His Majesty has not rejected it, or, to speak truer, promised it. Mr. Keppel will remind His Majesty of it on your side, and I no more question but that a word in season from my Lord Duke

† *Cf*, *p.* 53, *supra.*

will confirm it than I question your being willing to mention it to my Lord Duke : so that from Ratisbon and a residence, I am fixed to my secretaryship and The Hague, where I shall live very contented for the present, and endeavour to make myself useful for the future ; and in sure and certain hope that, as His Majesty knows already that twenty shillings is but eight gilders, I shall get it doubled if His Grace thinks it reasonable. I cannot tell you how infinitely I am obliged to my Lord Villiers.

Postscript.—" I have forgot if Jimmy ever sent me word that he received the book of treaties which I sent him from Mr. Stepney." *Copy.* (X. 159.)

MATTHEW PRIOR to [CHARLES MONTAGU,] CHANCELLOR OF THE EXCHEQUER.

1695, Oct. 18–28. Hague.—" I am still to trouble you without making any apology, and you are to oblige me without being tired. From the enclosed, which I writ to Mr. Vernon with design that he may show it to my Lord Duke of Shrewsbury, my Master will see the state of my affairs, which are likely to be very well, if we can get that confirmed on your side, which is already advanced as you see on ours ; but it cannot rest on the foot where it is, for my privy seal reaches no longer than six weeks after the arrival of a minister at The Hague ; so that we must have a new privy seal passed in order to my continuing here, which point His Majesty has already determined, and not denied the increase of my allowance upon the considerations I mention to Mr. Vernon, which point likewise (by our favourite's intercession, to whom *sub rosa* I am much obliged) I hope may be gained, and I become less troublesome to you Lords of the Treasury, and easy to myself and my studies till some further occasion. I believe my Master will settle this affair with Sir William Trumbull, to whom I have written of it at large ; and if we get our forty shillings per day, for which possibly we must have the name of agent, I would not change it for resident and Ratisbon ; which may the better be done because our privy seal must be altered, and we may draw an advantage for ourselves from what would otherwise have proved a misfortune. In this crisis of my fortune my Master will pardon me ; however she turns, I am always yours. I wish I were a little at Westminster to *brigue* you votes ; may you be as happy in all you undertake as I could wish you." *Copy.* (X. 161.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1695, Nov. 22[–Dec. 2]. Whitehall.—" Mr. Tucker tells me Sir William Trumbull hath laid your affair before the King, who is not inclinable to augment your allowance by privy seal ; nor do I find they are yet about sending you abroad, but Mr. Secretary says you shall be allowed the

other twenty shillings a day in your extraordinaries, which, he says, must not exceed that allowance; for now my Lord Villiers acting at The Hague, you are to remain only as a private person till the King sends you abroad, without any further allowance of extraordinaries than to make your ordinary entertainment 40*s.* a day. So that I see no other method than to pass your privy seal in this manner as directed, which I shall take care to do.

"I lay before Mr. Montagu every week a state of what is due to you, but we are so poor at present that we are not able to pay you.

"The Parliament met this day and have chose Mr. Foley again their Speaker, and are to present him to-morrow to the King.

"Yesterday died Harry Purcell, our famous composer of music." (VIII. 103.)

J[OHN] TUCKER to MATTHEW PRIOR.

1695, Nov. 26[–Dec. 6]. Whitehall.—"I have with all the earnestness and importunity of a faithful friend solicited the augmentation of your allowance, and prevailed with Mr. Secretary to speak a second time to the King for it, but His Majesty will not be brought to consent to more than 20*s.* a day, and some consideration in bills of extraordinaries, and those are not to exceed so much more; so you must be content with what can be done in the manner I have told you, until the King can find out something proper to employ you upon, and I hope it will not be long before something of that nature be done. His Majesty did not think fit to allow you the character of *Secrétaire du Roy*, and if he had, it would not have entitled you to the 40*s.* a day. Be satisfied, and I am sure you will have no reason to repent it. I do not hear of any removes from Brussels, etc." (II. 58.)

MATTHEW PRIOR to [CHARLES MONTAGU,] CHANCELLOR OF THE EXCHEQUER.

169[5–]6, Jan. 6. N.S. Hague.—"This letter like one of our wassailer's visits is to wish you a happy Christmas and beg of you: in short I have half a year's ordinary appointments, a bill of extraordinaries, one of its younger brothers, now passing the Secretary's office, and another almost fit to pass the seal, upon all which, unless you Lords of the Treasury commiserate my condition, I break. His Majesty has promised to send me farther when he has occasion, and will keep me in the meantime upon the old foot. One would not starve till one sees what may come of these fair expectations, especially whilst Mr. Montagu is Lord of the Treasury.

"You will be pleased to let my Lord Godolphin know we do what we can to drive Abell over into England. He is perched at Amsterdam at singing with great satisfaction

in a city where he owes nothing : his debts at London make him afraid to venture at the kindness his patrons there offer him ; and I have a fellow feeling for the poor minstrel, because at present I know how damned a thing it is to see faces to whom one owes money. I wish you, my good Master, all success in your Parliamentary and private affairs.

Postscript.—" The *Mary* yacht is still on this side, which is the reason that you have not yet your wine." *Copy.* (X. 162.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

169[5–]6, Jan. 10. N.S. Hague.—" This is chiefly to wish you a good new year, with all the happiness that can possibly attend it. I presume these from Mr. Stepney, which I send you enclosed, are full of his reception at Düsseldorf, and their desiring subsidies. I gave the Pensioner a packet from Mr. Stepney of the same date with yours, which was to that purpose, and returned the Pensioner's answer this morning in a letter he sent me for Mr. Stepney, though I had the substance of it *viva voce* last night, which was that no subsidies could possibly be hoped for or expected.

" The sum of our Flanders news is that the French have put garrison into their small castles between Sambre and Meuse, to cover the country from incursions of parties from Namur ; and that they are working at the fortifications of Dinant, Philippeville and Charlemont.

" You will hear from Vienna that Count Windischgrätz is dead, and from Mr. Cresset that Bully Rose appears at Hanover with the character of Envoy from the Elector of Saxe : the secret of his ministry is to thank that Court for having helped him out of the scurvy business at Hamburg, and to desire the Elector of Hanover to lend his Master the French comedians.

" I know no more of this Mr. March than that he is a poor man who pretends great interest in your acquaintance, and spoke it with an air as if he wrote to you by your own order and about your own concerns ; his letter else should never have come into my packet, nor should I dare to trouble you with any petitions but those that are immediately my own, and which hitherto you have been pleased to receive favourably as I ought always to own." *Copy.* (X. 163.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

169[5–]6, Jan. 7–17. Hague.—" We have been alarmed here these two days by an express from Zeeland which brought advice that the French were arming a squadron of 14 frigates at Dunkirk. The States have ordered a regiment of 600 men, that was here, to march to Helvoet, and sent for as many from Bois le Duc to supply their place. They think the enemy may design to bombard Helvoet or Flushing, but they cannot do much harm in either of these places. We since hear that 'tis only some privateers that the French

were fitting out from Dunkirk; and begin to think we were more frightened than we are likely to be hurt.

"Your Honour receives immediately from Mr. Robinson the Act by which the King of Sweden obliges strangers to become burghers of that kingdom, or not stay in it longer than four months in the year. I will only tell you that the Dutch look upon it to be a breach of all articles of alliance, and a ruin to all commerce." *Copy.* (X. 166.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

169[5–]6, Jan. 14–24. Hague.—"My Lord Villiers yesterday rechanged the ratification for renewing the Grand Alliance with the other ministers in the Congress, and Mr. Norff was desired to use his interest that his master the Elector of Cologne and Bishop of Liége might come into the Alliance.

"Count Kaunitz confirms what I presume Mr. Stepney writes you, that the Emperor is treating with the Elector Palatine that those troops of his which served last year upon the Rhine may go for Hungary.

"His Imperial Majesty endeavours likewise to get into that country the Saxon troops that stayed at home last year. He makes overtures too for some from Hanover; so it is little matter for the Rhine and the Empire, provided the Danube be kept and the Austrian countries and dominions enlarged.

"The Maréchal de Lorges has (I believe you have heard) desired he may not serve on the Rhine this year by reason of his ill-health.

"Our French letters confirm the news of their being resolved to pass the Straits, and that too sooner than was first thought. I heard they have intercepted a letter written from Admiral Rooke to Whitehall, by which he assures you that our rigging and tackle was all worn and bad, and that he had not thirty vessels in a condition of doing any service." *Copy.* (X. 167.)

J[OHN] TUCKER to MATTHEW PRIOR.

1695–6, Jan. 17[–27]. Whitehall.—"I have just now got your bill of extraordinaries allowed, with the article of the Queen's Bounty to Your Worship. I hope you will now think me a good boy. I told Mr. Secretary that Mr. Powys had spoken to the Chancellor of the Exchequer about it, and that it was his opinion that you would lose that 100*l.* per annum, if it was not brought into your extraordinaries. So with a little persuasion it passed." (II. 61.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

169[5-]6, Jan. 17–27. Hague.—"Since His Majesty's going for England this side has afforded little worth writing, or Your Lordship would have been troubled with me much

oftener. By the last posts from France we think they mean in earnest that their fleet shall pass the Straits. Mons. de Chasteau Renaux is at Toulon making all possible preparations in order to it. Mons. de Nesmond is at Brest equipping another squadron from thence ; but both at Brest and Toulon they want seamen. The French have intercepted a letter which Admiral Rooke had written to Whitehall, in which he says he found the fleet in a bad condition as to cordage and rigging, and that he should not be able to have above thirty ships fit to serve. Your Lordship will guess the impatience of this country that the winds may change, and that the squadron designed for the Mediterranean may arrive there in time.

"We were alarmed here some days since with the fear of a visit either at Flushing or Helvoet from our neighbours at Dunkirk, which we hear since they never intended us, it being only some privateers going out and not a squadron with bombs, as was reported.

"The French, Your Lordship knows, intend thirty new regiments to be raised for the spring : the officers were much easier named than the soldiers will be found, which come so hardly that through Luxemburg they oblige every district or *balliage* to provide a number of men proportionable to the bigness of the place ; and will be no way satisfied as formerly with money instead of the men. In their other conquered countries they directly use force ; and in Switzerland they cannot have men for money, which makes Mons. Amelot very angry, especially with the Protestant Cantons, who, he thinks, are underhand more friends to the Allies than becomes their neutrality, and send them Memoirs, which it would be downright rudeness to give to any other people ; however, if the French employ their forces most upon the Rhine, the Allies may have a bad campaign of it, for (to Your Lordship I may say) instead of two armies which we projected to have there, I wish we had but one good. The Emperor is so much concerned for Hungary and the dominions of the Austrian family on that side, that he utterly neglects the Rhine and the safety of the Empire on this. The *Cercles* of Suabia and Franconia can at best but keep up their own twenty thousand : the Ecclesiastic Electors are ruined, and the Elector Palatine, with whom my friend Stepney is at present Envoy, declares positively that he cannot keep five regiments, which he had in the Palatinate, any longer on foot without some assistance towards it ; and in one word neither His Majesty nor Holland will allow him subsidies ; so he is striking up a bargain with the Emperor to have them sent to Hungary, and His Imperial Majesty can, it seems, find money to provide for them there, though he knows not how to let them subsist on the Rhine.

"As to my own private affairs, I did myself the honour in the last I wrote Your Lordship to tell you that His

Majesty has been pleased to continue me here longer, in order, I hope, to employ me somewhere further as his service may require or a vacancy be found: but this will depend upon the Duke of Shrewsbury and my Lord Portland, and as they please to speak or act in my interests, they may advance or retard them: and His Majesty may be shown greater merit to supply what his kindness has already promised me, if I have not some more powerful intercessors with these Ministers than my own letters. Your Lordship sees by all this the favour I would beg of you, to name me to these gentlemen with all my merit, which is to have had the honour of knowing Your Lordship from my childhood, and of having been bred up by you: after such a recommendation I presume I should find but little difficulty in my way. I know I need only mention this thing, and leave the success of it to Your Lordship's usual goodness, begging Your Lordship to believe that I acknowledge myself already by ten thousand obligations, &c." *Copy.* (X. 168.)

J[ohn] Tucker to Matthew Prior.

1695–6, Jan. 31 [–Feb. 10]. Whitehall.—"I have some time since desired a very troublesome and laborious favour of you, and that was, to let me know the names and characters of the several foreign ministers either of the Congress or resident there, and if you could guess their several interests, but of this I have heard nothing; neither do I expect it so soon, it being a work of some time.

"I have a great deal of scrawl upon my hands to-night." (II. 63.)

The Earl of Dorset to Matthew Prior.

[1695–6,] Feb. 10[–20].—"Your last letters were expected by me with great impatience, for I had heard you were not well, and I now conclude 'twas a false report, because you do not mention it. I am sure you would be very unjust if you did not think me concerned enough to know the particulars of whatever happens to you.

"I am sorry your services have not as yet been considered as they ought; my endeavours shall never be wanting to serve you in all I can. Whatever happens, you may assure yourself that you shall always find a real friend here."

Postscript. "Your little translation takes mightily here, as everything that you write ought to do." (II. 64.)

Matthew Prior to Sir William Trumbull.

[1695–6, March 6. N.S.]—"The States had news to-day from Nieuport by intelligence out of Dunkirk, which says the squadron there has not yet its complement of men nor materials ready for bombarding, so that it cannot take the advantage of these spring tides to come out, and consequently must wait another month.

"The Zeelanders have laid aside their fears for this time, which were unreasonable enough whilst they lasted, for they had asked the States to send them the four ships, which lie before the Goeree, which would not have been sufficient to resist John Bart in full sea, however it might hinder his coming to Helvoet; or if it were, we think that Helvoet might be bombarded as well as Flushing, and that Holland should be looked to as well as Zeeland. *Proximus ego mihi* is an established rule in these provinces.

"The Swiss companies, about 1,000 men in all, which come from Bergh-op-Zoom and the neighbouring garrisons, remain still at Flushing and Ter Veer. The Zeelanders had indeed some reason to be apprehensive, but I venture to tell Your Honour (what I have from a good hand), Mr. d'Odyck had more, for (*sub sigillo*) he is less beloved at Middelburg than Mr. Boereel at Amsterdam, and was most earnest for the march of the troops I mentioned to the coast, for fear the mob thereabout might take the alarm the French gave them for a pretext of assembling, and follow the steps which those of Amsterdam led them: but (this to yourself alone and not to the Secretary of State) people's mouths are very open against him; no sort of justice can be had from him, and his commissioners and agents. Mr. Lilieroot gave in a memorial some time since to the States General to have a neutral ship released, which was accordingly done by the Admiralty of Zeeland upon a letter to them from the States: no sooner was the ship at liberty but an officer of Middelburg re-seizes her upon a blind account of dues unpaid to the Admiralty. The States are again interested in the matter; the Admiralty of Zeeland denies the thing, and it yet lies undecided, Odyck saving himself by a protest that he knows nothing of it either of the side of the Admiralty or the officer. *Ex pede Hercules;* and I only give Your Honour one instance out of twenty.

"My Lord Villiers has informed Your Honour of Harington's imprisonment, and what I have extorted from him at Rotterdam, that he has been of King James's guard in France; has been a privateering under Vaughan; was at the taking the *Diamond* frigate, and escaped (as he calls it) out of France with Vaughan, whom he parted with at Sluys, met again (by chance only) at Amsterdam, and whom he believes to be gone to Hamburg or Sweden to run away with a ship or do some villany of that kind. I have since been at Amsterdam, but by all the search I could make there I cannot trace Vaughan or the others Wall described, so I have left Wall at Amsterdam, and have ordered matters so that, if he can make any discovery, he may be assisted by the magistracy, and a friend whom I can trust there, in having the persons he names apprehended. In the meantime Sir Paul Rycaut and Mr. Gregg and Robinson are writ to, to inquire if Vaughan be in their parts. I know not if we shall

make much of our plot, for (to conclude this article) I look upon Wall to be one of the greatest villains I ever yet spoke with." *Copy.* (X. 170.)

MATTHEW PRIOR to [ARNOLD JOOST VAN] KEPPEL.

169[5–]6, March 9. [N.S.] Hague.—"Je me suis toujours proposé de passer pour un homme un peu modeste, et pour cela je me suis contenté de faire mille voeux en particulier pour votre bien, plutôt que de vous incommoder par des lettres qui ne contiendroient autre chose que des marques de ma sensibilité pour toutes vos honnêtetés. Mais qu'on me prenne pour Irlandois, et qu'on me pende comme Jacobite si je saurois me taire dans cette conjoncture! Bon Dieu, quel attentat! Mais il y a un ciel qui veille sur la personne du Roy, et il y aura un enfer pour abîmer ses ennemis. Je vous prie, Monsieur, de me pardonner cet emportement. Infâme! traître! assassin! parricide! voilà les seuls termes qui me puissent sortir de la bouche: cependant je consens d'oublier pour ce moment ma haine contre ceux qui ne font que du mal, pour dire combien j'estime et honore un homme qui ne prend plaisir qu' à faire du bien. Je puis vous protester, Monsieur, qu'outre que demande de moi en cette occasion pour attachement pour la personne du Roi et mon amour pour la patrie, j'en ai une fort sensible pour ce qui regarde vos intérêts particuliers." *Copy.* (X. 173.)

MATTHEW PRIOR to the EARL OF PORTLAND.

169[5-]6, March 3–13. Hague.—"Your Lordship's goodness was pleased to pardon my writing sometimes to you the last year. I dare not take that liberty now, being sufficiently assured that my Lord Villiers corresponds constantly with Your Lordship, and that Your Lordship has not leisure enough to be troubled with letters filled only with my acknowledgments of your favours. I could not, however, forbear at this conjuncture to testify to Your Lordship the general joy here, (and my own in particular), for the great miracle God in His mercy has wrought amongst us in preserving His Majesty's person from a conspiracy that no history or age can equal. I make bold to tell Your Lordship that I take what care I ought to have this hellish design displayed in its proper colours here; and I hope the King will send a manifesto to all Courts in Christendom, that no peace can be made with France till King Lewis be driven like Nebuchadnezzar from the society of all human creatures."

Postscript. "I must add that Admiral Russell is upon the French coasts, and has sent the *Centurion* into Ostende for pilots in order to go as far as possible towards Dunkirk. I hear that it will be impracticable for the enemy to save their great vessels, except they have time enough to take out their cannon.

"The wind is North, but blows too fresh for anything to be done to-day, as I hear those say who understand it. God send us good success." *Copy.* (X. 175–6.)

J[OHN] TUCKER to MATTHEW PRIOR.

1695–6, March 6 [–16]. Whitehall.—"Our Plot keeps us in such continual hurry that, until the heat of it be a little more over, you must excuse us from writing to you so punctually as we otherwise should do. I hope in few days we shall come to trial of some of the conspirators, three of them, viz., Charnock, Bertram, and Keyes, have orders to prepare for Tuesday next; and I believe their trials will soon be followed with several others, so that one way or other we may expect to have some of our trouble taken off our hands."

Requesting him to buy him "two pieces of good cambric for handkerchiefs." (II. 66.)

LORD DURSLEY to MATTHEW PRIOR.

1695–6, March 10 [–20].—"I have had no leisure to set my hand to anything but commitments since the discovery of the Plot, which is the reason that I have not returned sooner my great thanks to Mr. Prior for all his kindness to my son Charles, and particularly that of going to Amsterdam with him, and giving of him the best advice and showing of him his best way of travelling, which he was wholly a stranger to."

"Jemmy happened to be ashore with us in Bedford Row (the first time in ten months) when we heard of the embroil upon the coasts, which made Jemmy very impatient to be aboard again; so we sent him to my Lord Berkeley, and from thence I hear he is returned to his own ship the *Centurion.*

"We hear nothing of Mr. Prior's coming for England, and therefore by the next opportunity intend to send you some cider and ale, supposing English drinks may not be disagreeable to you." (II. 67.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

169[5-]6, March 13–23. Hague.—"The letters from France, which should have been received here on Tuesday, were kept back, and to-day we had both posts together; they are filled with excuses for their Government, in what relates to the conspiration against our King's sacred life; that King Louis intended indeed to re-establish King James, but by open force of arms, and will go on in the same design; that it was expected every day when they should hear that Mons. de Chasteau Renault had passed the Straits: he was not come out, however, the 10th instant; that he would but just touch at Brest, where the Marquis de Nesmond is ready with his squadron to join him, and that they will both come

immediately towards Dunkirk in order to convoy the troops for England. This, indeed, is the least they can say, and probably it is the least they intend: it is certain, however, that King James with all his household is still at Calais, where all things lie ready to be embarked. Whatever they design, I hope our fleet may be in the ocean as soon as theirs. In the meantime, if you will hang villains in England, you will hinder others from coming to you.

"Our fleet is gone further off from the coast of Dunkirk.

"Two hundred small vessels from Bordeaux arrived the 7th at Brest with provisions for the fleet to remain there till the Toulon squadron arrives.

"I make bold to add[ress] to you a French PONT NEUF, by which you will see what opinion some of them have of the descent with which they threaten us." *Copy.* (X. 176.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

169[5-]6, March 17–27. Hague.—"Letters from Paris of the 23rd say that the fleet which was to have sailed from the Isles of Hyères the 13th was not gone the 15th. They say this fleet is to join the squadrons of Brest, Rochefort, and St. Malo, which will consist of twenty-five sail, and to go on with their design against England, which, they say, was retarded only till their fleets were all together; and that King James is in the meantime to live at Boulogne to be ready for his embarking when all things else are so.

"The Court of France takes a great deal of pains to clear itself of having anything to do in the conspiracy against His Majesty, and their emissaries and our neutral friends here take no less. We shall hear from England . . . . . how far their apologies hold good against our conspirators' confessions: in the meantime their being too hasty to be justified is not a very genuine mark of their innocence.

"You will have heard that we have five companies of Bellasis' regiment and five of Earle's taken by three French privateers and carried into Dunkirk. Mons. D'Auerquerque sent to have the men ransomed, but the Governor answered he could do nothing in it without first having orders from the Marquis de Boufflers." *Copy.* (X. 178.)

MATTHEW PRIOR to [ARNOLD JOOST VAN] KEPPEL.

169[5-]6, March 17-27. Hague.—"Par les lettres de Paris du 13 Mars '96 on mande que la flotte qui devoit partir de Toulon le 13^{me} ne le fit pourtant pas le 15^{me}. On compte qu'elle doit joindre les escadres de Brest, Rochfort, Port Louis et St. Malo, qu'on dit être de 25 vaisseaux de guerre, que le dessein sur l'Angleterre n'avoit pas été exécuté parce qu'on n'étoit pas assez fort par mer pour le soutenir avant l'arrivée de la flotte de Toulon; que ce dessein s'exécutera aussitôt que toute la flotte sera jointe, et qu'en attendant le Roi Jacques iroit demeurer à Boulogne; on croit pourtant qu'

on ne laisse ce misérable Prince par les côtes que pour sauver les apparences et faire accroire seulement que leur dessein n'est pas encore échoué, et qu'il ne dépendoit pas d'un meurtre et d'un parricide. On prend beaucoup de peine à Versailles pour tâcher d'en disculper le Roi de France ; il y a de ses émissaires ici à la Haye et de nos amis neutres qui n'en prennent pas moins. On parle d'un manifeste que la Cour de France veut publier : je doute fort qu'elle n'ose rien faire avant que de savoir au vrai les preuves qui résulteront du procès fait au coupables en Angleterre. Cinq compagnies du régiment de Bellasis et autant de celui d'Erle ont été pris par les armateurs François et menés a Dunquerque.

"On dit qu'à Paris on a frappé une médaille avec l'effigie de Sa Majesté et des paroles bien outrageantes ; si cela se trouve vrai j'en ferai frapper bien d'autres ici, et par ma foi et ma conscience, comme auroit dit en pareil cas Mons. Jour, je les ferai distribuer de la Hollande jusques à Japon." *Copy.* (X. 177–8.)

J[ohn] Ellis to Matthew Prior.

1695–6, March 20 [–30]. Whitehall.—Desires Prior to send him a book lately published, entitled *Samuelis Puffendorf de rebus gestis Fred*[*erici*] *Wilhelmi Magni Electoris Brandenb* [*urgensis*] *commentariorum lib* 19. *Berolini*, 1695.

"You will find by the paper the three traitors gave to the Sheriff that they acknowledge the fact for which they were condemned. Walbanck was taken this afternoon." (II. 68.)

[Arnold Joost van] Keppel to Matthew Prior.

1695–6, March 20 [–30]. Kensington.—"On ne sçauroit assez remercier la providence divine de la découverte de cet exécrable parricide, dont la pensée doit faire horreur a tous ceux qui aiment la religion protestante et la liberté de l'Europe, qui estoient absolument enveloppé dans l'événement de ce dessein. Je ne m'estonne nullement que vous avez esté très vivement touché de cette nouvelle ; tous les fidels serviteurs du Roy et bons Chrestiens y ont paty égalment ; mais comme leur premier mouvement de crainte et d'embarras est tourné en joye, j'espère que ce meschant dessein des ennemys tournera a l'avantage de nostre auguste monarque, et de tous ceux qui ont l'honneur de le servir." (II. 69.)

Matthew Prior to [James] Vernon.

169[5-]6, March 20–30. Hague.—"I am extremely obliged to you for your favour of the 13-23 with the enclosed account of the trials of the greatest villains that ever were yet heard of, except those only that set them to work. My Lord Villiers will give you his thanks for it, and so I presume will your son Stepney, to whom I send a copy to-morrow morning. The

Pensioner of Holland ought to send you a medal and chain, for I have communicated it to him, as he has done to the States. I am glad you forgive my troubling you sometimes with what passes here; 'tis far from compliment that I tell you I think it my duty to do so. I ought not to forget, though perhaps you do, that I owe it in great measure to your advice and kindness that I am got thus far, and you must not be angry with me if I consult you, which is the way to get further. You know how it is with me here; I have my appointments and lie fallow; I have ambition enough to desire to do something for the bread they give me, though I have no reason to complain that they give it me for doing very little. Whenever I go forward, it is to be, I presume, in the track I am in. Our patrons would ask, if they knew for what Mr. Hill succeeds Mr. Wolseley at Brussels, what is to become of Mr. Wolseley, and who goes to Venice and Florence? or must the Northern Crowns or Brandebourg have anybody sent to them? *Omne solum forti patria est.* Believe me this letter is neither the effect of spleen or ambition, but downright to ask his advice who, I think, is more capable to give it than any man else I know." *Copy.* (X. 180–1.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1695-6, March 24 [-April 3]. Whitehall.—"I have yours of the 13-23 instant with your bill of extraordinaries, which I carried to Mr. Tucker, who would not allow of your exceeding 20s. a day, so was forced, where you had made it 39*l.* for letters, to cut off its tail and make the 9 a cypher; with which he passed it, making no exception to the three other additional articles, and our Treasury have ordered tallies to be given for all your bills, which I shall strick [*sic*] this week and dispose of them as you shall direct. The whole payable to you is 594*l.* 9*s.*

"I desire you will be pleased to acquaint my Lord Villiers that tallies are likewise ordered for His Lordship's bills of extraordinaries." (VIII. 135.)

MATTHEW PRIOR to [ARNOLD JOOST VAN] KEPPEL.

1696, April 3. N.S. Hague.—Complimentary letter, acknowledging the unexpected honour of Keppel's reply to his former letter. *French. Copy.* (X. 181.)

JAMES VERNON to MATTHEW PRIOR.

1696, March 31 [–April 10].—Whitehall. "I am really not able to tell you to what post Wolseley will be assigned, nor do I find he knows himself, for he writes to me by this post to give him some light into it, but I can't satisfy him. If your friends are in the humour to move the King in your behalf, I would not have you balk their fancy; nor is it necessary in my judgment to prescribe a place to the King. If there be more stations than one in Italy, Mr. Wolseley

can't pretend to fill them all, and if you come in for a second choice, I suppose you will be well enough contented. I think you may rely on my Lord [Shrewsbury]'s assistance when the matter is ripe for resolution, but I do not know how proper the conjuncture is at present.

"Pray give my respects to my Lord Villiers, and let him know that I have it from one of our divines who is newly come from Sir William Perkins, that he has owned to him he saw and read the commission of King James, which Porter speaks of in his evidence; but he hath not as yet explained himself any further. I know not what he may do, for this evening His Majesty hath signed a reprieve both for Sir William Perkins and Sir John Friend, to put off the execution till Friday." (II. 71.)

J[ohn] Tucker to Matthew Prior.

1696, May 15 [–25]. Whitehall.—"I have received this morning your letter of the 12th, and with it your ingenious lines upon His Majesty's arrival. I will not commend you because I will not reproach you; for ignorant men's commendations are oftentimes such. Another reason I have for it is that, had I an understanding and skill enough to judge of poetry, I would forbear to praise you, for fear it should make you vain, which you know that I know you are already. I will, however, venture to say this much, that they please me, and I have read some parts of them three or four times over this day, though it be a post.

"I took care of all the others you sent me, and had them carefully delivered.

"When I begged the trouble of you to buy me some cambric, I begged nothing but the trouble; and I am sorry you forbid me giving you any further troubles of that kind by telling me, in effect—*To be rid of this impertinent fellow I will give him two pieces of cambric.* This may be a sense naturally enough put upon your kindness, and I am sure I have reason to take it so, unless I had more reason to deserve it: however, I thank you for it. I believe I shall receive it to-morrow.

"Forgive this scribble. I am hastening to go to some company, a thing I seldom do." (II. 72.)

Sir William Trumbull to Matthew Prior.

1696, May 15 [–25]. Whitehall.—"Your writing to me what passes on that side is so far from needing an excuse, that, if you did forbear it, after I have so often invited you to it, I should think I had reason not to pardon you for refusing me that satisfaction, which I cannot receive so entire from any other hand; and therefore desire you will continue it, whether you are in court or camp. But it seems they are not willing you should go into the field, and I think they are in the right, for I know no field that can produce so good poetic fruits as The Hague does. which are admirable; and

I thank you very heartily for my share of them. The mighty theme has suggested proportionable words and thoughts, and you have outdone yourself on this happy occasion of His Majesty's preservation, as you used to outdo others on other subjects; and though I am unwilling to deny you anything you ask, yet I cannot allow you to be a better secretary than a poet, but must make you amends in saying you have found the secret of joining two things generally thought incompatible, poetry and business, and both in perfection.'' *Signed.* (II. 73.)

J[ohn] Ellis to Matthew Prior.

1696, May 19 [–29]. Whitehall.—'' I give you the trouble of this by Mr. Secretary [Trumbull]'s order. who courts your correspondence, wherein he takes a particular delight; and therefore, though he writ to you himself last post, I am to acquaint you that he desires you will not fail to give him the satisfaction of letting him hear from your hand what passes concerning the war, and proposals of peace, what progresses the one makes, and what are made in the latter, if any.''

'' Having performed my commands, I am in my own name to return you thanks, though disproportionate to the present you have made me of your excellent poem on the King's preservation, which will preserve and perpetuate the memorial of it.'' (II. 74.)

James Vernon to Matthew Prior.

1696, May 26 [–June 5]. Whitehall.—I like your poem so '' well that I am not satisfied you intend it shall be your last. Everybody has not my excuse that they are otherwise fully employed; I wish it were your case; but if you have intervals, I know not why you should not continue to make use of them for the honour of our Master and your own. If I should desire you not to seek your discharge till we have better writers, I should prescribe you a long term.'' (II. 75.)

R[ichard] Powys to Matthew Prior.

1696, June 2 [–12]. Whitehall.—'' We are here under all the difficulties on account of our coin that can be imagined, all payments stopped and foreign bills protested, nor will any body so much as touch a tally. I have in my hands 594*l.* 9*s.*, whereof I paid Mr. Storer 60*l.*, and for fees for your bill of extraordinaries and for your tallies 32*l.* 14*s.*'' (VIII. 143.)

J[ohn] Tucker to Matthew Prior.

1696, June 2 [–12]. Whitehall.—Complaining that the pieces of cambric have been changed in the post for pieces of coarser texture, having been sent, not in a box, but '' in a brown paper which was broken open, and afterwards sealed

up again in white paper." Requesting further news of the proposals for peace; and wishing that Prior's bills of extraordinaries were to be sent every post, so that he might receive more letters from him. (II. 77.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

1696, June 12–22. Hague.—"I have very little to trouble Your Lordship with more than (as Sir Fleetwood used to say) *who went over the other side;* or if I had any more, Your Lordship has it from my Masters. People will have it here that in the midst of war we are thinking of peace, and that M. Cagliere [Callières] is somewhere *incognito* in Holland. Some that have formerly known him pretend to have seen him at Amsterdam; however that may be, it is certain that Monsieur Dyckveldt has lately made several little journeys out of the way; which would not be so remarkable if the man loved either a mese (*sic*) or a mistress, but as it is they think it politics, and argue him wise from his dulness, &c."

"N.B. The rest of this letter was my own affairs, which God prosper." *Copy.* (X. 184.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1696, June 30 [–July 10]. Whitehall.—"I have paid your bill of one hundred pounds in guineas; but for your tallies I cannot think of disposing of them, nor will I offer at it until your affairs require an absolute necessity for doing of it. The straits we are in for want of money is not to be imagined; and if I were now to discount your tallies, I cannot get them done in new money or guineas for 20 per cent.* This is indeed intolerable, and instead of mending, which we every day have expected, it grows worse and worse. There is between 7 and 800,000*l.* new coined, and yet hardly any of it appears about the town; they now coin 70,000*l.* a week, but I know not when we shall have it run plenty."

"Mr. Tucker hath got your bill of extraordinaries allowed. You will do well, if you please, to write to Mr. Montague that you cannot get your tallies discounted but at an extravagant loss, and beg his favour in ordering this bill, and the quarter, if possible, in money." (VIII. 155).

JAMES VERNON to MATTHEW PRIOR.

1696, June 30 [–July 10]. Whitehall.—"Mr. Methuen is appointed one of the Commissioners for Trade, but I believe

* Other letters of Powys of a little later date refer to the great lack of ready cash. On Aug. 25 he writes:—"I do not believe I can get the money advanced under 30 pounds per cent.; you may guess by this what a condition we are in, and how scarce money is here"; and on Nov. 6 following he adverts again to the "want of money" and "complaints that are made about it, from the highest to the lowest; many people who would mortgage their plate and jewels," being unable to "get money upon them." (VIII. 159—171).

he has no great mind to change his post for it; he is well satisfied with what he hath, and before he relinquishes it he would gladly to see of what duration this Commission is like to be, at least whether it is like to outlive the next sessions of Parliament; and therefore he proposes to come over to take possession no otherwise than by substituting his son in Portugal, that he may be at liberty either to return back or continue a Methuen still at Lisbon. You see he is for playing a sure game; but I don't know that his coming away will be required upon those terms, and am most inclined to think he may stay there.

"I desire you will forward the enclosed to Mr. Breuil, who writes the *Lardon*." (II. 78.)

Sir William Trumbull to Matthew Prior.

1696, July 7 [–17]. Whitehall.—"I value your kind letters as I ought to do; and would oftener write you my acknowledgments if I had anything besides to accompany them. But here we have as little news as money, and since there is none of this stirring, 'tis well the people do not.

"I do most heartily thank you for the accounts you give me of M. Caliere [Callières], and when you hear further of his motions and what they are like to produce, you can't oblige me more than by letting me hear from you. The same favour I desire when you are informed of M. Plessen's negotiation, and of the design of the transport-ships which are preparing in Zealand. I assure you both in this and all other matters of my inviolable secrecy, and that nobody (either on this or your side of the water) shall know anything of our correspondence. I believe Mr. Tucker has formerly sent you word of my readiness to sign your bills." (II. 79.)

Matthew Prior to ———

1696, July 15–25. Hague.—"We expect you will either make war or peace in good earnest. M. Calliere is still amongst us, if you will have the latter; and both the Emperor and the King of France (we say) must leave the giving back or dismantling of Strasbourg to the King of England's mediation after the other points are adjusted. If you intend war, Mr. Dyckvelt has borrowed (you will have known) three millions (Holland's money) of Amsterdam at 5 per cent., the States being security for the interest; and with this you are to besiege Dunkirk, get to it as you can.

"The disorders of our [ex]change are such as I do not see where it will end, since the Schepens of Amsterdam will have no regard to our bank bills or goldsmiths' notes, and have adjudged no bills returned from England to be worthily answered except they are all paid in ready money, which all the English say is impossible for them to comply with; in the meantime there is 12 per cent. difference between bills

answered by bank and those in ready money, and all the mediums our merchants offer (of defraying half in ready money and half in bank bills, or of having this difference regulated by a public order and the disproportion settled to some certain sum) are all found ineffectual.

"If M. Cailliere is at Amsterdam, he will know that this makes a greater noise there than my Lord Berkeley does upon the coasts of Brittany." *Copy.* (X. 185.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

1696, July 21–31.—"The last letters we received from Flanders left the King marching his army towards Cambron by Ath, where he arrived on Sunday night. His design is either to force the French lines in case Mons. de Boufflers does not move that way, or to observe him if he does, whilst Prince Vaudemont besieges Dunkirk (we say), but whilst he bombards it, is I believe the utmost we propose. 'Tis for this end that stores and ammunition of all kind are ready at Nieuport, and the Dutch squadron with the bomb-vessels now before Ostend will bombard Dunkirk by sea, whilst the Prince does the same by land. There is little question but that the Duke of Savoy's truce will end in a peace. He is too far in the French hands to think of retrieving what he has done, and would be a fool to imagine the Allies would ever pardon him for having been a knave in abandoning them. Our French letters say that Monsieur is going to Lyon with a great equipage to meet the young Princess.

"Our fleet has done no great exploits on the coasts of Brittany and Poitiers. The French say our sea-bombarding is throwing English crowns to break their glass-windows.

"The talk of a peace cools extremely. I know not if we have withstood our market, or if the French never yet proposed anything to be accepted.

"Our war in Hungary is managed with the usual prudence. Temeswar was to have been besieged, and when the Germans were within five miles of the place, they found they had forgot powder, bullets, pioneers, and pickaxes." *Copy.* (X. 186.)

James Vernon to Matthew Prior.

1696, July 24 [-August 3]. Whitehall.—"I can now tell you that" Mr. Methuen "comes over to be at the opening of the Parliament, and designs to leave his son his curate, whom he has sent for on purpose from Italy. I perceive, if he then find the Commission of Trade like to stand, and that Portugal may go by entail upon the heirs male, he will stay here; otherwise he will be slipping back into his post again. So that I don't see what great expectancy you can have there, but you do well to be alert and on the watch, and I hope your next attempt (whatever it may be) will succeed better." (II. 80.)

Sir William Trumbull to Matthew Prior.

1696, August 22 [-Sept. 1]. Easthampstead.—"I am got into the country for a few days, and would willingly follow the advice of our good friend Horace, *Ducere solicitae jucunda oblivia vitae*. Here I received the satisfaction, and heartily thank you for it, of your kind letter of the 19–29 inst. By this I find that the great article of peace or war is still very uncertain; and the other, as to the Princess of Brandenburg, very mysterious. However, these matters cannot but excite my curiosity, and make me renew my request to you, that at such a crisis as this you would continue to be more watchful than ever. I rely so much on your friendship, which, I assure you, I will ever inviolably preserve, that I desire you by every post to give me the most particular accounts you can, and that you will trust me with an exact character of this Princess of Brandenburg, as to her person, age, humour, and everything; for I cannot but begin to think there is something in all this noise."* (II. 83.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

[1696, Sept. 4. N.S.]—"I have not troubled Your Lordship with our guesses and wagers concerning a peace, since I could not speak of it till now with any certainty. The mystery is at length out, for yesterday the Pensioner of Holland told the ministers at the Congress the effect of Mons. Dyckvelt and Mons. Caillier's [Callières'] meetings; that France would consent to a peace upon the foot of the Westphalia and Nimègue treaties; and that if the several ministers would write to their Masters, they might upon these grounds begin to treat.

"The ministers of our smaller German allies are really concerned and angry at these appearances, for *subsidies* is the word with them, and they would sell us war as long as we have money or tallies. Our Imperial ministers, though they really desire a peace, would have it thought that we court them to it; they made difficulties about what was meant by the Treaty of Westphalia, to which it was answered that that would be explained, and what was now proposed was only a ground-work on which they were to proceed.

"This is the state of our affairs here. We expect shortly to hear of plenipotentiaries named with my Lord Villiers for the treaty. I must trouble Your Lordship with a word concerning my own affairs at this conjuncture.

"I have reason to expect to be Secretary to the Embassy, having served five years on the place, and being able to plead a sort of prescription to it; but nothing is sure at a Court, and though I have not many enemies, others may have better friends. Lord Villiers will contribute as much

* *I.e.*, a rumour that the King was disposed to marry the Princess. *Cf.* Luttrell *Brief Historical Relation*. iv. 94, 101.

as is in his power to my having this thing, and Your Lordship will, I am sure, send me a line from yourself to my Lord Portland in my behalf, which would fix it beyond dispute whilst the King is yet on our side. I beg Your Lordship to pardon me eternally troubling you; I am conscious of it, but cannot tell how to help it, and I seem as much to challenge a right to Your Lordship's favour to me, as you ought to do to my entire obedience and duty to your commands.

"We have had news these last two posts that the Grand Monarch has been very ill; the French post this morning confirms it. He has a swelling in his neck, which is a kind of pestsore, for which he has been blistered and scarified, and is not out of danger. We are praying devoutly for his good passage, and would fain have our peace signed by Louis the Fifteenth. Great preparations are making for the reception of the young Princess of Savoy: the Duchess of Créquy and the Duke of Choiseul are to meet her. We talk very much of a marriage on our side between the King and the Princess of Brandenburg, but I think without much ground, as far as I can see into the matter. One of the parties only are resolved; the King however intends to pay them a visit at Clèves; we shall then see if we ought to distinguish between love and civility." *Copy.* (X. 189.)

James Vernon to Matthew Prior.

1696, Sept. 1 [-11].—Whitehall. "My Lord Duke returns an answer to what you sent him, and was glad of the opportunity to serve you, as you have the best pretensions and have put in your claim early; I hope you will meet with no disappointment. This hath put me upon considering who may be the most likely to be your rival, and I can't think of any one except Mr. [Daniel] Pulteney; and that I imagine will only happen in case my Lord Romney be one of the plenipotentiaries."*

Postscript. "To show you my Lord Duke expects you should have this secretaryship, he bids me bespeak you to reserve a clerk's place for a young gentleman he intends to send over for that occasion, who is now bred in this office, and is the son of Mr. Rowley, whom His Grace hath a particular kindness for. And his son is a youth of great hopes, who writes very prettily, and will copy very well both in Latin and French; and when he hath had this improvement, he is to be returned us again." (II. 86.)

Treaty of Turin.

Lord Lexington and Mons. Heemskerk to the Emperor.

1696, Sept. 16. [N.S.]—Memoir urging the continuance of the war in Italy, notwithstanding the Duke of Savoy's

* Cf. Buccleuch MSS. (Hist. MSS. Comm.) II. Pt. I. 391, 397-8; Pt. II. 401-3.

secession from the Alliance*; for if the neutrality be accepted "la France sera délivrée d'une guerre qui lui coûte le double de ce qu'elle lui coûterait ailleurs, de sorte qu'au lieu de 36,000 hommes qu'elle y a à présent, elle en entretiendra 72[000] avec les mêmes sommes. Outre qu'elle pourra se prévaloir des garnisons de Pignerol, Suze et Nizza aussi bien que des troupes qu'elle tient pour la défense des côtes de mer, et cette augmentation de force, employée ailleurs, est suffisante pour faire diversion, tellement que de tous côtés nous serons réduits à une guerre défensive, et à la dernière extrémité dans les lieux où la foudre tombera, et il faut être aveugle pour ne pas voir quelle paix s'en ensuivra. D'autre côté la guerre cessant en Italie, les Alliés n'en pourront tirer plus de 20,000 hommes, et Dieu sait si alors on saura où il les faudra mettre, et ainsi au lieu de souffrir pendant quelque peu de temps quelque incommodité dans le Milanois, nous verrons l'ennemi, dominant en Catalogne, s'emparer de royaumes et de provinces entières sans que les autres Alliés, quelque bonne volonté qu'ils eussent de le faire, le puissent empêcher. C'est en Italie qu'il faut défendre la Catalogne comme Scipion défendit l'Italie en Afrique; d'ailleurs la chose n'est pas désespéré; nous avons vu en d'autre temps qu'il n'est pas si facile de subjuguer l'Etat de Milan, et ce ne sera pas la première fois que Valence s'est défendue vaillamment, et qu'Alexandrie a été assiégée sans avoir été prise dans les conjonctures où l'Espagne n'avoit pas les amis qu'elle a à présent. Il n'y a qu'à temporiser, et qui empêchera qu'on n'y envoye, même avant l'hiver, des forces suffisantes pour faire tête à nos ennemis et nous assurer des quartiers d'hiver, ce ne seront pas les ennemis assurément. Notre négligence en sera la seule cause puis qu'il est certain que les Alliés ont beaucoup plus de troupes que les François, s'ils prenoient les mesures, et qu'ils eussent la promptitude que l'on doit s'efforcer d'avoir dans de semblables extrémités, et ils seroient bientôt dans une supériorité en Italie suffisante pour y trouver des quartiers et tirer, s'ils le vouloient, une partie de leur entretien de ceux qui ont donné occasion à ces nouveaux troubles. Pour cette fin nous offrons à V.M.I. et au service public une flotte dans la Méditerranée et de concourir de la part de nos Maîtres tout ce qui est requis pour y continuer la guerre par terre avec apparence de succès." *Copy.* (XV. 1–5.)

J[ohn] Tucker to Matthew Prior.

1696, Sept. 11 [–21]. Whitehall.—"There having been such advances made towards a treaty for a general peace that now it is no longer a secret, I hope it is no crime to desire you the favour to let me know the conditions upon which it is proposed, and which the Pensioner in a full assembly made known to the several plenipotentiaries in a

* Cf. Lexington Papers, ed. Manners Sutton, p. 221.

full deduction of all the overtures that had been made by the French ministers. Others pretend to have them, and I have seen them; but can scarce believe them to be right, because we have them not here from those from whom we ought to expect them . . . . But I will venture to tell you a secret, and that is, that we have received more just and perfect accounts of this matter from hands less concerned to send them, than we have had from The Hague, from whence they ought to have come.

"The town is full of discourse here as well of the death of the King as Queen of Spain, and wagers laid every day of it, which makes us impatient to receive our letters from abroad.

"If the treaty goes on, I wish you success in your pretension to be Secretary to the Embassy, and should be glad if any good office I could do you to Mr. Secretary would any ways contribute to it." (II. 87.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1696, Sept. 15–25. Hague.—"The courier which we have expected from Vienna arrived on Sunday night, and Count Aversperg went with him to Loo. The Emperor's answer is, I hear, first, that Aix-la-Chapelle should be the place to treat, so that he takes himself to have the sole right of naming; secondly, the entire restitution of Lorraine; and thirdly, the ten Imperial towns of Alsace to be restored, though the French had them by the Treaty of Münster. I know not how reasonable the first of these points will seem to His Majesty, or the two latter to Mons. Caglier [Callières]; but this I know, that the Dutch Ministry are all for hastening a peace, and are impatient till His Majesty's arrival here, in order to the making some public step in this affair. My Lord Villiers will (I think without doubt) be one of the plenipotentiaries; we name Lord Pembroke and Sir William Trumbull for the other two: the least we say that the best civil lawyer in England can do for her is to make this peace. His Majesty has pleased to approve my being secretary (though as yet I do not say so); and it would augment that honour sensibly to me if I might have you for my master." *Copy.* (X. 194.)

MATTHEW PRIOR to [CHARLES] MONTAGU.

[1696, Sept.]—"As no man ever had so good a patron, so certainly no man had ever such occasion for him as I at this time. My tallies I cannot sell under thirty per cent. loss; my aunt will not send me one farthing; the chain and medal the States gave me is at pawn; I have but two pistoles in the house or (to say plainly) in the world, and I have every morning a *levée* (God be thanked for the respite of Sunday) of postmen, stationers, tailors, cooks and wine-merchants who have not been paid since last December. This is the state of the matter: there needs no great oratory

to engage your affections and raise your compassion. If you can get me any ready money, it would be more charity than to give an alms to the poorest dog that ever gave you a petition; if not, patience is a virtue, and a scrap or two of Horace must be my consolation. It is as good starving in employment as out, so I have used my friends' interest to get to be Secretary to the Embassy to this Peace, of which we are all talking; and I have got it with the advantage of having the King say that he was satisfied with my service, and thought my requests reasonable. I am infinitely obliged to my Lord Duke of Shrewsbury in this affair, and I wish you, dear Master, would let His Grace know as much." *Copy.* (X. 195.)

Treaty of Ryswick.

Memoir presented to the Congress by M. Schmettau on behalf of the Elector of Brandenburg.

1696, Sept. 18–28.—The Elector is of opinion "que si la France déclare en forme authentique de vouloir rétablir pour fondement de la négociation de la paix les Traités de Westphalie et de Nimègue sans exception ou limitation, il seroit de l'intérêt des Hauts Alliés d'entrer sur ce fondement en traité avec la France sous la médiation de Sa Majesté le Roy de Suède dès qu'on auroit nommé et seroit convenu du lieu pour traiter; il paroissoit être de l'intérêt des Alliés de ne pas accrocher le Traité de Paix à cette nomination et choix du lieu, mais d'en convenir incessamment afin de savoir au plutôt si la dite déclaration de la France est satisfactoire ou non; au premier cas on pourroit de la part des Alliés requérir conjointement Sa Majesté le Roy de Suède de se vouloir charger de la médiation et d'entamer le traité; au second on auroit besoin de réclamer la garantie de Sa Majesté pour obtenir de la France le dit fondement de la négociation; et afin que la France ne pût interpréter que par l'acceptation de ce qu'elle déclarera de la manière susdite sur le fondement de la négociation les Alliés se désisteront de leurs prétentions ultérieures, on pourroit de leur part se précautionner par une contredéclaration à donner pareillement entre les mains du Médiateur, y reservant toutes leurs prétensions ultérieures pour les déclarer lorsqu'on sera entré en traité." *Copy.* (XV. 68.)

William Blathwayt to Sir Paul Rycaut.

1696, Sept. 19-29. Loo.—Instructing him to warn the magistrates of Hamburg and of other Hanse towns not to enter into negotiations with the Scots' East India Company, who are building ships at Hamburg and treating for privileges, as the King is informed, whereby the rest of His Majesty's subjects are likely to be injured; nor have the Scots any credentials for this purpose. *Copy.* (XVII. I.)

Treaty of Ryswick.

Memoir by Lord Lexington and M. Heemskerk presented to the Ministers of the Emperor.

1696, Sept. 29. [N.S.] Ebersdorf.—They deem the Emperor would ruin the prospects of peace "en accrochant le Congrès des Ministres à une explication de la Paix de Münster par le reces de Nuremberg et la satisfaction préalable de l'Espagne. Si ces deux points dépendoient de nos Maîtres, ils seroient tout aussitôt accordés, mais comme ils dépendent de nos ennemis, et qu'il n'y a pas la moindre apparence qu'ils fassent ce pas, la question n'est plus comment il faut conduire cette affaire, et ce qui nous conviendroit, mais si l'état de nos affaires nous conseille d'entrer en négociation de paix sur ce que nous avons déjà, ou bien de rompre tout traité et commerce avec la France en nous chargeant des succès douteux dont une guerre opiniâtre et sujette à force d'accidents est accompagnée. Nos Maîtres croyent que la prudence ne permet pas que nous nous exposions à ces nouveaux hasards sans nous assurer auparavant de ce que sans aucun engagement de notre côté l'on peut avoir ; et soit dit confidemment à vos Excellences, ils ont de plus une raison particulière, qui est de ne pas passer auprès de leurs peuples pour ceux qui ne veulent pas de paix, qui de l'autre côté étants persuadés du contraire, et voyants ces acheminements, seront par là animés à contribuer gaiement aux frais de la guerre pour l'avoir bonne. Ces raisons solides, où le service public a part, seroient de grande force et l'emporteroient, si l'on n'étoit malheureusement préoccupé (comme nous le craignons) que nous voulons la paix à quel prix que ce soit, et qu' arrivés au Congrès, on la fera sans avoir égard aux intérêts des Hauts Alliés. Cependant il ne sera pas hors de propos que vos Excellences connoissent que les dits soupçons (s'il est vray qu' on les aye) sont très mal fondés : nous n'allégueronspas que ce que nos Maîtres ont faits et essayés pour le service public durant le cours de cette guerre mériteroit quelque confiance, mais nous nous arrêterons à ce qui parle de soi même et n'admet pas, à notre avis, de contradiction. Personne ne peut nier que si l'intention de nos Maîtres étoit de vouloir si inconsidérément la paix comme on pourroit se l'imaginer, ils ne seroient pas si mal avisés que de contredire à la neutralité en Italie ; au moins ne le feroient ils pas avec l'empressement qu'ils font en offrant de s'engager à des nouvelles et très grandes dépenses. Ils pourroient ménager cet argent et arriver tout aussi bien à leur but ; mais c'est une preuve convainquante que s'ils souhaitent la paix ils la veulent avoir bonne. Et la crainte que le Roi d'Angleterre et Messieurs les Etats pourroient se contenter des offres faites par la France, et que par là la paix seroit précipitée, seroit bonne et fondée, s'ils ne pouvoient sans un Congrès faire la même chose, et avec moins d'éclat

que lorsqu'on auroit eu la complaisance de s'y rendre à leur instance et prière. Au contraire on acquiert par là une espèce de nouveau droit pour empêcher qu'on ne la fasse si ce n'est d'un consentement unanime ; et si l'on y prend garde de près, on trouvera que les formalités d'un Congrès public et d'autres accidents qui le suivent nous assurent de la continuation de la guerre pour un temps, ce qui dans l'autre cas ne seroit pas. Nous vous assurons, donc, Messieurs, que ce n'est nullement l'intention de Sa Majesté Britannique et de Leurs Hautes Puissances qu'on se contente des deux Paix, mais elles appuyeront les demandes et prétentions ultérieures de leurs Alliés de tout leur pouvoir, et au de là de ce qu'on s'en imagine, la guerre leur ayant coûté trop de sang de leurs sujets et trop d'argent pour la changer mal à propos dans une mauvaise paix, et pour les fortifier dans ce louable dessein nous ne demandons que confiance et quelque déférence à des représentations sincères qui méritent assurément réflection.

Nous espérons que Sa Majesté Impériale se dignera de considérer ces motifs qui jusques ici n'ont pas étés couchés par écrit, et se laissera persuader par là de changer la réponse que nous venons de recevoir jusques là qu'elle n'accroche aux points susdits la médiation de la Suède et la nomination d'un lieu pour le Congrès sans lequel la médiation ne peut pas avoir son effet.'' *Copy.* (XV. 10–11.)

James Vernon to Matthew Prior.

1696, Sept. 22 [-Oct. 2]. Whitehall.—'' I am very glad you laid in betimes and have secured a post which is so much your due. You would otherwise in all probability have had a rival that neither of us thought of. Sir William Trumbull, I hear, is designed for one of the plenipotentiaries ; I don't think he would have made it his choice, if he could handsomely avoid it. But if he goes, he intends to take Mr. [John] Ellis with him, from whence I conclude he [Ellis] expected to be Secretary of the Embassy, he having partly officiated in that function at Nimegen while Chudleigh and Sir Leoline Jenkins were upon such ill terms that they did not see one another. But the matter is settled, and I hope we shall hear no more of it . . . . When you are ready for your commission, His Grace [Shrewsbury] will send over the young gentleman [Rowley] he hath recommended to you, and you will hardly find one of his years that will be more useful and less troublesome.'' (II. 88).

Matthew Prior to Sir William Trumbull.

1696, Oct. 9. N.S.—'' The King is expected here to-night ; the State of the War is ready for his signing, and nothing is likely to keep him long on this side, provided the courier were returned from Vienna. We think the Imperial Court will rebate a little of its stiffness as to the point of Lorraine, and accordingly hope to see some steps made in the

great negotiation. Cagliere [Callières] is about an hour from hence, and will continue there, I hear, till we have this answer which we all look after so earnestly.

"The French are wisely preparing for war as if they designed no peace; they are raising recruits in all the frontier countries, though they are embarrassed enough to pay them; which Cagliere has not stuck to confess; and his *beau mot* is that we must make a peace on all sides, for we cannot make a war.

"We have from Paris that the Marquis de Nesmond is returned with his squadron to Brest; as is likewise Mons. Renaud: the latter has been westward, towards Havana, with design to catch the Spanish Fleet coming out. He is relieved from that service by Mons. de Gennes, but the Spaniards have had warning long enough and have reinforced their convoy, so that we hope they are safe." *Copy.* (X. 197.)

MATTHEW PRIOR to MR. CARDONNEL.

1696, Oct. 6-16. Hague.—"The account I think stood thus between us. I had laid out for Mr. Blathwayt.:—

	1266*l.* 12*s.*
The bookseller's bill for newspapers comes to ..	154*l.* 13*s.*
Skeltus	128*l.* 5*s.*
My account to Mr. Blathwayt for postage	226*l.* 9*s.*
Your account	584*l.* 16*s.*
	2360*l.* 15*s.*

Per contra.

Received from Mr. Schuylemberg	2000*l.*
,, ,, Mr. Cardonnel a bag of ..	320*l.*
2360*l.* 15*s.*—2320*l.*	

"I think I am right in this account. If I mistake, you may easily rectify it by yours.

"Your tailors bring me this enclosed bill of 188 gild—which I have paid. I therefore send you the bill you left me upon Mr. Hill and desire you to send me another for the residue, to make even between us. Pray send me word if there be any hopes that I may dispose of tallies, for else I am undone.

Duns come so boldly,
King's money so slowly." *Copy.* (X. 198.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1696, Oct. 6 [-16]. Whitehall.—"Though you do not positively tell me you have a grant of being Secretary to the Embassy of the treaty for the general peace, yet I suppose, by what you write, you have so good a promise that it will not be unreasonable to give you joy of it. We are here in perfect joy for the safe and unexpected return of His Majesty this morning at Margate. He intends to sup at Kensington to-night, which is a great journey after a pretty long voyage." *Signed.* (II. 91.)

MATTHEW PRIOR to the DUKE OF SHREWSBURY.

1696, Oct. 9–19. Hague.—"Mr. Dyckvelt went again on Wednesday last to visit Cagliere [Callières], and, I think, the result of their conference was only to show that they could chicane on both sides, Dyckvelt pressing Cagliere to declare that he offered the treaties of Westphalia and Nimègue *sans réserve*, and the other holding to it, that he had sufficiently explained himself when he offered the Treaties, and could include no new addition on that offer: this Dyckvelt brought yesterday to the Congress, and it served the Ministry to talk of, but is (I believe Your Grace will think) no great matter in reality, since the treaties as Cagliere has offered them are sufficient foundations for a Congress to build on, and when they come to do so, it will be impossible but that claims and reserves in several little things will be asked and granted reciprocally on both sides.

"Our express in the mean is come from Vienna, and I hear he brings word that the Emperor persists to have the treaty in some place of the Empire, and provided it be so, he will leave the naming the place to the King or the States; but he will consent to nothing else, and gives for reason that the Princes of the Empire have more to concert in the making the peace than all the rest of the Allies.

"Mons. D'Auversperg will acquaint His Majesty particularly of this affair; however, I thought it my duty to acquaint Your Grace with what I could hear of it.

"Mons. Renault, who returned some days since into Rochelle much shattered, is there equipping ten men-of-war, which will be ready in two months; the design of his going out again is thought to regard America." *Copy.* (X. 199.)

JAMES VERNON to MATTHEW PRIOR.

1696, Oct. 13 [–23]. Whitehall.—Describing a serious accident to the Duke of Shrewsbury while hunting, which prevents him from answering Prior's letters. (II. 93.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1696, Oct. 13 [–23]. Whitehall.—"I . . . . join with you in your wishes that we were well over this first rub and all others that stand in the way to what is much to be desired, if it can be come at fairly and honourably; and if the foundation proposed be not sufficient ground to build the fabric upon without enlarging it by interpretations, as is now proposed, it is to be feared the whole may fall to the ground." Requesting further news. *Signed.* (II. 94).

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1696, Oct. 16–26. Hague.—"Mons. Dyckvelt alarmed the Congress yesterday morning by telling them that Mons. Cailiere [Callières] said to him in a conference the day before,

that he had never offered Luxemburg otherwise than demolished. Don Quiros, you will easily imagine, took fire at this, and though his anger was more intelligible than his reasonings, the whole Congress were of opinion than his difficulty was to be taken off before it was possible for any step to be made further; which will cost Dyckvelt another visit to-morrow, and will be the subject upon which he is to be baited on Monday.

"The Imperialists are still obstinate to have the place of treaty in the Empire, though it is thought they will come to in this point, as they have done in the others of having the treaties of Westphalia and Nimègue the basis of the peace without adding either *sans réserve* or *dans leur entier* to them so that, as well as I can trace what is kept a secret here, the Preliminary Articles are:—

"The treaties of Westphalia and Nimègue the foundation of the Peace.

"The King to be acknowledged.

"Strasbourg to be restored in the state France took it.

"Luxemburg as it now is (to be settled), all reunions since the Peace of Nimègue to be restored." *Copy.* (X. 201.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.]

1696, Nov. 2. [N.S.] Hague.—"We are chicaning here about the preliminaries of a peace, on which it is no wonder if we do not agree, since so many different parties are concerned, who think not much of each other's interests, nor rightly explain their own. There has been a difficulty about the ten Imperial towns in Alsace which the House of Austria gave up to the French by the treaty of Münster in 1648. The French think they have right to govern them absolutely in their own ways; the Imperialists allow them only *la préfecture provinciale*, as they call it, which was all they had, and consequently all they could give. The ministers have referred the question they could not decide as being not proper for the preliminaries, but what ought to be handled when they come to treat.

"The affair of Lorraine is likewise agreed on by both parties not to be mentioned in the preliminaries. There is another difficulty of very great consequence, Cailiere [Callières] saying he never offered Luxemburg otherwise than in the state in which France took it, and Dyckvelt having understood him all along to have meant it in the state it now is in. The whole Congress and particularly the Spanish and Dutch ministers, have charged Dyckvelt to tell his *incognito* friend that, if he does not recede from this point, all hopes of a treaty are utterly cut off. Cailiers says he cannot do it without express order from the Court, which accordingly he has writ for, though I look upon this to be an artifice of Cailiere, for doubtless

France always designed the restitution of Luxemburg as it now is, if ever it really designed a treaty ; and Cailiere, I presume, in giving it up will ask some other thing in compensation, or at least has made a step *en habile ministre*, endeavouring to gain his Master as much as he could. So on the other side it was a blunder in Dyckvelt to have been treating so many months without having asked a clearer explanation of a point so very considerable.

"Your Lordship sees how very slowly the advances towards a treaty are making. The success of the whole affair will depend upon the resolutions of our Parliament. France will certainly give more or less in the treaty as the people of England will proportionally give towards carrying on the war in case those offers miscarry ; and however great our poverty is we must hide it, if possible, from the enemy.

"I think I may presume that I am to be Secretary to the Embassy, and I presume my masters will be named as soon as these points in hand are settled in the preliminaries.

"Your Lordship will pardon me a long letter in my own trade, by which I only mean to acknowledge his kindness who set me out to prentice." *Copy.* (X. 202.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

1696, Nov. 10–20. Hague.—"I make bold to trouble you with our secrets here. The enclosed is a plan of the preliminaries on the several points of which I think the parties are agreed, except in that of Luxembourg, which France offers in the state it was in when they took it, now in the preliminaries ; and for the fortifications they have added they would agree, in the treaty itself, for a sum of money. No answer has been given to this proposal, the Spanish minister being absent from the Congress by reason of an indisposition, which in all probability will keep him at home till he knows his Master's resolution in this matter.

"Thus time and method are likely to bring us to a treaty, and I believe necessity will make us conclude it." *Copy.* (X. 204.)

James Vernon to Matthew Prior.

1696, Nov. 13 [–23]. Whitehall.—My Lord Duke "is still confined to his country habitation, and is spitting blood, while Sir John Fenwick is spitting venom. I don't care how soon the last is choked ; I wish the other may recover as soon from his distemper as he will from the rage and malice of Sir John and his party. His Grace made a trial on Sunday last how the air would agree with him, but he found himself the worse for it, and spit more blood after it than he had done for some time before, so that it is very uncertain when he can be able to come up. His cure goes on as slowly as your treaty ; for all we hear of plenipotentiaries

being named, we don't yet persuade ourselves that France is in earnest. We are told that Sir George Barclay is let loose again, and another detachment of cutthroats is sent over. We are never like to be left without alarms, but I hope we shall not be snapt by surprise." (II. 95.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1696, Nov. 17–27. Hague.—"I am glad for the merchants' sake and for the safety of our letters that you have been pleased to advance the proposition of three frigates to cruise between Yarmouth and the Maas, and I am obliged to you in particular that by laying it before the King you gave His Majesty occasion to remember he has a small minister here who has little more to do at present than just to show his zeal to his Master's service. I wish the enclosed may be an instance of it, and if you think fit to show it, you will, I am sure, give me a new occasion [of] being obliged to you as I am very greatly already. My Lord Villiers gives Your Honour that whilst one of the French ministers is chicaning here, and puts an absolute stop by it to the preliminaries, the other two are hastening away to be ready to begin the treaty.—

Quo teneam [*vultus*] *mutantem Protea nodo?*

"Possibly this list may expound the riddle, and they may design another descent, as I hear they have sent their villains before. God prevent them, or if this last attempt does not succeed, the King of France may have all seeming merit of having done his utmost for King James's interest, and of having dwelt, as long as he could, upon the article of owning His Majesty. I hope this behaviour of Cailiere [Callières] is but grimace and ask your pardon that I dare trouble you with base conjectures." *Copy.* (X. 205).

MATTHEW PRIOR to MONSIEUR BAYLE.

1696, Nov. 18–28. Hague.—"J'aurois plustôt répondu à vostre obligeante lettre; mais j'ay cru que je devois attendre que milord Villiers vous eut dit luy même que je me suis bien acquitté de la commission que vous m'avez donnée. Sans cela je n'aurois pas pu me résoudre à différer si longtemps à vous écrire; ne croyez pourtant pas que je veuille m'étendre sur le mérite de vostre ouvrage. Je laisse cela aux savans, et me contente seulement de l'admirer, et de me féliciter de l'honneur que j'ai de connoître le grand génie qui l'a fait—

Satis est hunc mihi nosse virum.

"Au reste je vous remercie par avance du présent que j'accepteray avec joye. Je ne doute point que vous n'ayez disposé de vos autres exemplaires en faveur de véritables savans, mais je doute fort que vous en ayez donné à personne qui en aime plus la lecture, et en estime plus l'auteur." *Copy.* (X. 207.)

MATTHEW PRIOR to [RICHARD] POWYS.

1696, Dec. 7. [N.S.] Hague.—"Tallies at 45 per cent. may make a man mad, especially if he has but 20*s.* per day, but the wood, I hope, will sell better, and the allowance be augmented in some time. It was on this consideration that I drew the last hundred pounds on you, and since it was at 5 months, we have a little leisure to look about us, and I hope you will not be inconvenienced in the payment of it. I send you enclosed the copy of a bill of extraordinaries from August to November, which, you see, is within my compass, and will, I suppose, meet with no opposition. You will be pleased to give it either to Mr. Ellis or Mr. Tucker. I have writ a word to Mr. Secretary to prepare the way for it. Tallies are such horrid commodities that it makes one very stoical as to one's own interest. I would desire you, however, to do me the favour to send me the marks and particulars of those which I have; for I have a project, if it comes to anything, of getting some of them off here, or at least of trying to take up some money upon the merits of some of them for 6 months or a year, it being understood always that you are first repaid what you have so kindly disbursed for me, and which, you see, I can only acknowledge in bare words.

"Some miracle may possibly mollify the hearts of the Treasury that we may get a little ready money for these bills and the ordinary appointments. Who knows? We should do well, I think, to try it, though I am ashamed to ask Mr. Montague anything when I fear to put him upon the hardship of refusing me.

"Sir Joseph Williamson coming in to the Council makes me think he may be one of our plenipotentiaries, though I do not know how to reconcile that to my Lord Lexington's pretensions, except they intend to have four, or make my Lord Villiers the first. You would oblige me in sending me a word of what you may hear of this, as likewise who it was that, being Secretary to the Embassy, had 3*l.* per day; and how it was practised at Nimègue upon that account; for that, I believe, will be our rule: this is only between us, as is likewise that I am glad Mrs. Smyth married, and I would not have you sorry." *Copy.* (X. 208–9.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1696, Dec, 7. [N.S.] Hague.—"It [is] my duty to leave the business of the Congress to my Lord Villiers, but it is likewise so to tell you what I remark here. Though Mons. Cailiere [Callières] does not plainly say he has an answer from France concerning the point of having His Majesty owned, he has, I believe, given Mons. Dyckvelt to understand that there will be difficulty made in it, and I have heard that Mons. Dyckvelt does not say all he knows

of this business to the Congress, till Cailiere has writ, for, I believe, it was after Dyckvelt had downright entreated him to do so.

"These are my thoughts, and I infer from them that these people would have a peace, *telle quelle*. I see nobody of another opinion but the Pensioner, who is no way Cailiere's dupe in the whole business, but encourages and manages the preparations towards a war as actually as if there were no conferences on foot towards a peace. Don Quiros (Your Honour will have heard) is named first plenipotentiary for Spain; he is as mad as the Catholic religion and a hot temper can make any man. Kaunitz advances very honestly, but is (by the way) a good deal a bigot. I believe my Lord Villiers and these Ministers I have named of the *quatre Puissances* will have a private conference between this and Monday, which is the day they expect Cailiere's answer, upon which the whole affair may take a turn one way or other absolutely.

"Mons. Plessen is going away very much rejoiced that he has signed the treaty, as I believe everybody is that wishes the good of the common cause, or the repose of Europe.

"Pointi[s] is not yet gone out (I think) with his squadron from Brest, though as well there (as appears by the list I did myself the honour to send you) as at St. Malo and La Hogue there are such preparations making as look like attempting some considerable enterprise. They have talked of a descent in Ireland, and it is certain they are not idle whilst Cailiere amuses us with his preliminaries." *Copy.* (X. 210.)

Matthew Prior to the [Earl of Dorset,] Lord Chamberlain.

1696, Dec. 1–11. Hague.—"For some time past the French Minister here, Mons. Cailiere [Callières], has chicaned about the manner of owning the King, which put a stop to anything that looked like forming a treaty; but on Sunday he told Mons. Dyckvelt that he had order from the Court of France to adjust that great point, which will be done by the ministers agreeing to a form according to which Cailiere shall acknowledge His Majesty's title to the Mediator at the same time that he dictates to him the other preliminary points.

"Your Lordship sees some advances towards a treaty, which looks as if the French really intended it. In the meantime they make great preparations on the coasts of Brittany and Normandy; they have put the troops that come from Piedmont into Burgundy, Lorraine and along the Rhine, and are as actually making ready for a war as if there were no hopes or thoughts of negotiating a peace; which, if it comes to good, will be all owing to the resolutions of the Parliament.

"We may now expect to hear who will be our plenipotentiaries from England. Sir Joseph Williamson being called

to the Council makes us expect he will be one. To whomsoever they are (when they may be named) I need not doubt of Your Lordship's recommendation.'' *Copy.* (X. 211.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1696, Dec 1–11. Hague.—'' My Lord Villiers tells you in what manner the great point is likely to be adjusted and the negotiation to advance. Cailiere [Callières] seems very glad to have received these orders: the hopes of seeing himself soon an ambassador may contribute a good deal to that joy. He puts on a seeming openness and simplicity in confessing that his Master, *veut sortir tout de bon de l'affaire.* The French in the meantime have put their troops that came from Piedmont into Burgundy, Lorraine and along the Rhine, and Your Honour is advised from all hands what preparations they make on the coasts of Brittany and Normandy.

'' However the preliminaries seem to be near agreed to; you will see we shall defer going to a treaty in form as long as we can, and decide as much as we can in this private way with Cailiere, and I take the reason of it to be that, as soon as a public Congress is formed, so many little ministers will open, and so many different Princes' claims be produced, as might hinder the whole machine from moving as fast as it should do: but God be thanked that the point relating to His Majesty is finished, and our apprehensions of last post on that subject over; all which is owing to your good resolutions in Parliament, and will, I think, advance as you find funds.'' *Copy.* (X. 212.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1696, Dec. 8 [–18]. Whitehall.—'' It must be a miracle indeed, as you say, if our Treasury give you ready money for I can assure you our condition is such at present that there is not sixpence of disposable money, all that is in the Exchequer being either appropriated for the war or repayment of loans.

'' Your letter which came to Mr. Vernon with an account that Calliere[s] had agreed to own our King hath put a new life into our affairs, and, I hope, will speedily put our treaty of peace on foot, in which you are to have a share. Mr. Ellis tells me, 40*s.* a day and 300*l.* equipage is the utmost that is allowed to any secretary of Embassies. And as to your plenipotentiaries my Lord Villiers will certainly be one, Sir Joseph Williamson, it is believed, will be another; but Lord Lexington will have no hand in it, as I am told.'' (VIII. 179.)

JAMES VERNON to MATTHEW PRIOR.

1696, December 8 [–18]. Whitehall.—'' I received yesterday your letter of the 1–11 inst. It could not have come more *à propos*, for I received it just before the House went

into a Committee upon the state of the nation. I happened to tell my next neighbour the good news it brought, and it ran round the House like fire in stubble, and had a very good influence in restraining people from running into the peevish propositions that some had prepared for that day. It was so well received and so little expected that the gentlemen who suspected they should be disappointed by it would have had it pass for a contrivance started up to serve a turn, but your name and credit passed for authentic among them, and I think it is owing to you that we avoided a good deal of peevishness at that time ; but after all I find we must not so depend upon a treaty as not to be upon our guard against what the enemy is designing both by sea and land.'' (II. 97.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1696, Dec 21. [N.S.]—'' The new alterations which the Imperialists would have in the preliminaries keep all at a stand till Cailiere [Callières] has an answer from France. President Canon insists to have Lorraine named in the Preliminaries ; the Congress have consented to it (though you know it was proposed by the Imperialists and consented to by all that it should be entirely omitted till the treaty). Of this point likewise Cailiere expects an answer.

'' That of Luxemburg would be agreed to on France's side, but the Germans themselves hinder it ; they murmur that it should be rendered in a better condition than Strasburg, and like the man in the Scriptures take it ill that their neighbours are kindlier treated than themselves, though they had before what they thought was their due ; however, that point will soon be adjusted, and as we desire it.

'' Mons. Norf will hardly get Dinant restored otherwise than in the state it was at the Peace of Nimègue.

'' You have more particular accounts of the preparations the French are making at Brest than I can give you from hence : and I hope you are prepared for them, whether they are meant either against England or the West Indies.

'' I do not know Sir Joseph Williamson, but I take your question to look very kindly ; you know, Sir, I told you at Loo who I wished might command me.'' *Copy.* (X. 214.)

J[OHN] TUCKER to MATTHEW PRIOR.

1696, Dec. 11 [-21]. Whitehall.—'' The King has this evening been pleased to name for his plenipotentiaries at the general peace the Lord Privy Seal [Pembroke], my Lord Villiers, and Sir Joseph Williamson. Mr. Secretary at the same time proposed you to be their Secretary, which the King seemed well inclined to, but did not positively declare it to be so. You have no competitor, and I think you may have no reason to doubt being the person.'' *Copy.* (II. 99.)

JAMES VERNON to MATTHEW PRIOR.

1696, Dec. 15 [-25].—"Perhaps you might have heard from the other office by last post that His Majesty had named his plenipotentiaries, but I did not know it till afterwards. As soon as it came to my knowledge I remembered your concern in that matter. Both Mr. Yard and I have spoke to Sir Joseph Williamson to let him know your pretensions, and he is very glad they shall be so well assisted.

"Nobody needs to recommend you to my Lord Pembroke. However, when I made him my compliments this morning I was offering to say something in your favour, which he took with so good a grace as if it had been the way to oblige him to have a just opinion of you; and he promises to take the first opportunity of speaking to the King that your place may be fixed and all competitorship silenced."

Postscript. "We are undone here for want of coffee, and they say you abound with it in Holland. Pray therefore engage Mr. Vanderpoele to send one half a dozen pound of that which is good, and let it be directed to Mr. Edisbury at Harwich. (II. 100.)

MATTHEW PRIOR to [JAMES] VERNON.

1696, Dec. 15–25. Hague.—"I have the favour of yours of the 8th, and am very glad my letter had a good influence upon your debates. I know you are not capable of making any but a right use of whatever comes to your hand, but I cannot forbear telling you that some of our correspondents are scandalized at my writing to you plainer than to them; but whilst there are men there will be passions, and it is best to take no notice of what we cannot help.

"The Emperor's ministers have sent back the courier to Vienna. I wish upon their remonstrance that Court may cease to clog the preliminaries with difficulties which can have no other effect than to make us lose time. I am glad to tell you that His Majesty is satisfied with the manner in which he is to be owned, and the other points will in all probability be adjusted, provided the Imperialists would once explain to their friends, or indeed rightly conceive themselves, what they mean by reunions and recesses: and not order their ministers to give up a point one post and retract it the next.

"We are apprehensive the French design against Bonn this season; and now we begin to complain that the breaches have not been made up since it was taken." *Copy.* (X. 241.)

MATTHEW PRIOR to SIR JOSEPH WILLIAMSON.

169[6–]7, Jan. 1. [N.S.] Hague.—Congratulating him on his appointment as plenipotentiary for the treaty, and praying him that he may be retained in his present post as secretary. (X. 243.) *Copy.*

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

169[6–]7, Jan. 1. [N.S.] Hague.—Thanking him for his intercession in the matter of the secretaryship.

"Pointi[s] is still at Brest. They give out that he waits for more provisions from Rochelle and Bourdeaux. The merchants here [are] of opinion his design must regard the Spanish Fleet.

"The French are in motion in Flanders; but I do not hear there is much reason to fear their doing any mischief considerable this season." *Copy.* (X. 244-5.)

JAMES VERNON to MATTHEW PRIOR.

1696[-7], Dec. 22 [-Jan. 1]. Whitehall.—"I have never affected to be the publisher of news, nor would I have the moroseness to grudge the public that which will please them. I happened, I believe, that day to receive my letters the first, or to be the earliest in the House; and it was a piece of news so greedily desired and so little expected that I find it makes me an author to be envied. All the satisfaction I can make them is to give them free leave to interlope in our province, and if they can learn anything as good, they shall be the free vendors of it; and if they will excuse you for a random letter now and then, I had rather they should hate me than not receive it." (II. 101.)

JAMES VERNON to MATTHEW PRIOR.

1696[-7], Dec. 25 [-Jan. 4]. Whitehall.—"I send you a list of the Lords as they were upon the late division, when Sir John Fenwick's bill passed. I am sorry you will find all the Lords Justices, who are in Town and have voices, were against it, except the good Archbishop of Canterbury, who not only voted but spoke for it with the eloquence and courage of St. Paul. I shall say nothing of another advocate for the bill, viz., the Earl of Monmouth. There lies a mystery that is not yet unriddled, but 'tis certain a plan was formed how Sir John Fenwick might colourably justify the accusation given in against the principal persons mentioned in his paper. Let them answer it whom it shall stick upon. I hope the same providence will protect the innocent that hath been hitherto their guard, and turned the vengeance on the heads of their accusers." (II. 102.)

MATTHEW PRIOR to JAMES VERNON.

169[6–]7, Jan. 8. [N.S.] Hague.—"My Lord Villiers writes to-night as a minister (what I tell you as a friend) that the preliminary points are adjusted.

"The treaties of Westphalia and Nimègue to be the ground and foundation of this.

"Strasburg to be restored in the state the French took it,

"Luxemburg in the state the French took it; and means to be thought of for a compensation for the new fortifications.

"Dinant as it was taken.

"Mons and Charleroy as they now are.

"All reunions made since the Treaty of Nimègue to be annulled.

Lorraine to be restored as at the Treaty of Nimègue, which restitution not to hinder the further discussion of that affair in the treaty.

"The preliminaries thus adjusted, the place of treaty will now be shortly agreed on, and consequently one may answer your question as to the time our plenipotentiaries will set out. I cannot enough thank my Lord Duke for having written to them about their secretary, and I own I am impatient to have that thing fixed: for though it seems in a very fair way, *multa cadunt inter calicem supremaque labra;* and at Court a thing is only then done, when it is signed and sealed. I hope in a post or two to hear that this is so, and leave it in the meantime to your intercession, who see how it stands in a truer light than I can do from hence." *Copy.* (X. 245.)

MATTHEW PRIOR to the [EARL OF DORSET,] LORD CHAMBERLAIN.

169[6–]7, Jan. 8. [N.S.] Hague.—"There begins now to be some real appearance of a treaty; the preliminary points are pretty well agreed, and the place will soon be named, the Allies having for that intent proposed three towns, of which the French are to choose one; after which the plenipotentiaries may be setting out towards fixing the state of Europe, at least till the King of Spain's death sets all into a new ferment, which cannot be long before it happens, considering he has so frequent relapses and such a sickly constitution.

"For all our advances towards peace the war may be continued if Pointi[s] can seize the Spanish galleons, which is probably his design. Our French letters make no mention of his being sailed. I wish our squadron had sufficient provisions to follow him to Havana, in case he attempt it." *Copy.* (X. 246–7.)

MATTHEW PRIOR to SIR JOSEPH WILLIAMSON.

169[6–]7, Jan. 15. [N.S.] Hague.—"I may be able in a post or two to tell you that the place of treaty is chosen, the Allies having named three, Maastricht, Nimègue, and Breda, of which France is to name one. In the meantime endeavours are used to have it here at The Hague, to which the French will probably consent, notwithstanding the other nomination, if the Imperialists can possibly be brought not to oppose it; but the matter is treating secretly, and therefore proper only for me to write to (I hope I may say) my Master.

"Letters from Paris of the 7th say that Pointi[s] was not out the 28th past, but that eight men-of-war that went out that day were going to disarm at Rochefort. Four of them have been miserably shattered by a storm, and they had no news then of the other four. I am afraid it was the same ill weather that obliged Sir Clou'esly Showell to return to you." *Copy.* (X. 249.)

MATTHEW PRIOR to the [EARL OF PEMBROKE,] LORD PRIVY SEAL.

169[6–]7, Jan. 8–18. Hague.—"We are impatient till the place of congress be named, which indeed will be a good step in the whole negotiation. It was thought that Cailiere [Callières] would to-day give the answer from Versailles to the proposal, that has been offered by the Allies, of three places, Maastricht, Nimègue and Breda, of which places France was to have its choice; but instead of this answer the ministers were told from Cailiere that he presumed his Master would consent to an overture that has been privately made here of having Ryswick (the King's house between Delft and The Hague) the place of treaty; the French ministers to live at Delft, and the Allies' here. The Imperialists oppose this, and I think have no other reason for their doing so than *such is Count Kinski's pleasure:* everybody else is for it, and very justly since they, being already on the place, have nothing to prepare but their equipage; and none need passports but only the two French ministers that are in the commission with Mons. Cailiere, and their secretary who was named at the same time with the Embassy. The Imperialists write to-day of this proposition to Vienna, and I hope we may have a favourable answer, upon which Your Lordship will (I presume) be setting forward to those parts. Upon this supposition I beg leave to ask Your Lordship if you would desire His Majesty to give you apartments in the Old Court, or if Your Lordship would have Prince Maurice's house again, (which I think the States dispose of), or what other measures you will resolve on, and in all cases that Your Lordship would be pleased to command me.

"Our letters from Paris say that Mons. Pointi[s] was not gone out the 7th from Brest, and I have been told by people that should know here that he has but seventeen ships in his squadron." *Copy.* (X. 251.)

JAMES VERNON to MATTHEW PRIOR.

1696–7, March 5 [–15]. Whitehall.—"I hope I may congratulate your safe arrival in Holland, and as I shall be very glad to hear from you when your leisure serves and matters of moment offer, it is fit I should continue to acquaint you with the progress we make in the House of Commons, where, I hope, we are drawing towards a conclusion, now the

funds are settled for the next year's supplies. It remains only to dispose of them into bills, and that, I hope, may be done before Easter. Besides which we have another effort to make towards the helping of credit and the checking of stock-jobbing and tally-mongers, which is now under consideration.

"I don't doubt but you heard of an answer prepared to Sir John Fenwick's paper by the Bishop of Salisbury. It is now come out, containing likewise a succinct account of the arguments for and against the Bill. If your being here so lately has made it no curiosity to you, perhaps my Lord Villiers may be glad to see it, and therefore I send it you, and when you have done with it, I desire it may be forwarded to my son for his instruction." (II. 65.)

Matthew Prior to Sir William Trumbull.

169[6–]7, March 9–19. Hague.—"I am safely arrived at my post, and ought from thence to return him thanks whose good offices placed me there. I find things pretty well disposed towards a treaty on everbyody's side but the Imperialists' I wish their irresolution proceeds from no worse cause than the usual gravity and slowness of the House of Austria: they chicane the least points as long as they can possibly; they promise us, however, that the next post shall determine their choice of the place. The French ministers are come to Delft with their women and *abbés*, and Mr. Lilienroet has the greatest mind in the world to be in his mediation in form. I visited the Pensioner at my arrival here; he entered into a very long discourse with me about our English affairs. As to those of the money, I let him understand that it was reasonable to hope that the methods the Parliament had taken would raise our credit, and that we were not in so desponding a condition as at this distance we might seem to be: as to the inclination of the people I said it was wholly towards a peace, provided we may obtain it sure and honourable: that the Parliament left the direction of this work to His Majesty and the Ministry, and contented themselves to labour the establishing such good funds as were necessary to accomplish the peace as it should be, or to prolong the war if occasion required. I perceived by the whole of what he said, Holland is absolutely bent to a peace, and I believe the Pensioner thinks that our present want of money may be the only reason that France can find to stand off. I am sorry that the mistake in the ratifications makes them returned." *Copy.* (X. 254.)

Matthew Prior to [Charles Montagu,] Chancellor of the Exchequer.

169[6–]7, March 26. [N.S.] Hague.—"I am again got into my flamels [*sic.*] and begin to take memoirs, *répliques* and protocols for current coin. The French are at Delft; and the Mediator longs to be at work; however, we have not

as yet a positive answer from Vienna as to the place, and whilst that Court demands explications on the preliminaries, I wish it were in earnest for the treaty; but this is what I should say to my Master alone; at *amicitiae aeternae* and twelve o'clock at night:—'Whatever they may mean by this slowness we must drag them on, and as soon as my Masters come, we shall begin in good earnest.'

"I am never to write to you but I must give you thanks for some new favour; I do so, therefore, most heartily for the tallies you have been pleased to order me. Mr. Powys tells me Your Lordships have allowed my Lord Pembroke and Sir Joseph advance-money and equipage, but says not a word of my Lord Villiers, which puts us all into a fright here. I find His Lordship as forward in his equipage as any, and it will be as magnificent. I always presumed there was no kind of objection to his case and told him so at my return: there is no doubt but that His Lordship will plead his own interests." *Copy.* (X. 254-5.)

JOHN TUCKER to MATTHEW PRIOR.

1696–7, March 19 [–29]. Whitehall.—"Before and after you left Harwich we had several accounts here of the great numbers of French privateers lying off our coast, which put us in some pain lest they should have shown you Dunkirk in your way to The Hague, but we were glad to hear you had escaped them. Your other two matters for the treaty are now in some readiness to follow you, and last night at the request of Sir Joseph Williamson His Majesty ordered the *Mary* yacht to be got ready to transport him to Holland, whither my Lord Pembroke goes in the same.

"I cannot tell but now all his equipage, &c., is likewise ready, and I hope you will soon be busy upon the great work which everybody so much desires and at the same time doubts the success of; but you and I, who have more faith, do believe without doubt." (III. 1.)

JAMES VERNON to MATTHEW PRIOR.

1696-7, March 23 [–April 2].—Whitehall. "I have received your letter of the 26th and suppose our plenipotentiaries will be with you sooner than any good answers will come from Vienna. Sir Joseph Williamson is under a fit of the gout, but he don't intend either that or the Treasury shall be a hindrance to his promoting the public service.

".We have been apprehensive lest His Majesty might have a spice of a quartan ague: the first appearance of it was on Wednesday last, and he had a kind of a fit on Saturday again at Lattens Lodge. I hear he was very well this morning, but whether there hath been any return of it since I don't know. I hope not.

"My Lord Chamberlain [Dorset] has sold the keepership of Greenwich Park to the Earl of Romney. I don't like it

when great men begin to divest themselves of what they have; their way used to be rather to add to it." (II. 70.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1696-7, March 23 [–April 2]. Whitehall.—"I shall in a few days have your candlesticks and snuffers out of the Jewel Office so as to send them with your other things; but I doubt I shall not have your standish out so soon, for by an Act lately passed in Parliament no plate is to be made after the 25th instant, but what is to be made finer than the present standard; and no new standard pieces being yet made the standish will not pass the assay of the Hall till that is done; but the candlesticks being already cast are sent to the Goldsmiths' Hall to pass the present standard, and [be] finished afterwards." (VIII. 207.)

The SAME to the SAME.

1697, March 26 [–April 5]. Whitehall.—Letter of commendation for the bearer, Mr. Eden, eldest son of Sir Robert Eden, knight of the shire for the Bishopric of Durham, who is sent over with Sir Joseph Williamson to "see the method of your treaty and the ways and manners of a foreign country." (VIII. 211.)

JAMES VERNON to MATTHEW PRIOR.

1697, March 26 [–April 5]. Whitehall.—"I see there is little news stirring with you, and we have not much.

"My Lord Monmouth is about petitioning the House for his liberty, but the application will be first made to the King.

"We hear of a negotiation carrying on between the Weavers' and East India Company, which latter, provided they may be established for a certain number of years by Act of Parliament, are willing to submit to all the restrictions of the late Bill that is lost by both Houses adhering; and besides they will undertake to advance 400,000*l.* on the credit of the Malt Act." (III. 2.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, April 5. [N.S.] Hague.—"My Lord Villiers informs you how our Congress affairs proceed, as much as I can guess at them. The Imperialists will come to, and Holland is certainly so intent on the peace that, as soon as my Masters arrive, we may make great steps towards it; in which case the Germans must shuffle after. The French lie civil and silent at Delft, and seem very much in earnest towards beginning the negotiation. King James (people say again) is to go to Avignon; in the meantime he has made another Declaration or Manifesto or Petition or Challenge (for one knows not what to call it,) to the Protestant Princes, which will have as good effect as that to the Catholics. Your

Honour will probably have seen it before, but I take the liberty, however, of sending it as soon as it comes to my hands.

"I have mentioned to Debreuil the proposal of settling a correspondence, but I do not see that he can do it so effectually as to make it worth attempting. As to ordinary correspondence the poor man will do his best; he has been sick, and this *Lardon* is the first fruit of his recovery. I dare not dun you and I am sure you will not forget him, but if he had some little thing, it would save him from dying of the cruellest disease imaginable, which is hunger." *Copy.* (X. 257.)

JAMES CRESSET and SIR PAUL RYCAUT to the BURGOMASTERS and COUNCILLORS of the CITY OF HAMBURG.

1697, April 7. [N.S.?] Hamburg.—Remonstrance, complaining that in spite of two previous remonstrances they continue to make conventions and treaties with the Scottish East India Company, who have no credentials for that purpose, and have even erected a public office to receive subscriptions. Desiring them, in the name of the King their Master, to desist from the practice. *French. Copy.* (XVII., No. 2.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, April 9. [N.S.] Hague.—"Your Honour sees from the enclosed what news I have from France, relating to the sea. I wish to God the contents of it were better; but there is an ill fate upon the Admiralty's conduct of either nation, and I see nothing but prayer can remove it.

"The same letters (they are of the 5th) say, that the Marquis de Villeroy is to part at the 20th from Paris towards Flanders, and the Marquis de Choiseul about the same time for Germany: they make no mention of the Duke of Vendôme's going to Catalogne. This, with the Spanish minister's having declared that our fleet's being sent into the Mediterranean could only save Catalogne from accepting a neutrality, may justly make one fear they have already accepted it.

"I think our great affair does not much advance: the French will explain themselves no fuller in what the Imperialists require; and till a courier which Count Stratman has sent to Vienna returns again, we know not how far Kinski will recede. The Turk, I am told, will not hearken to a peace, and the Emperor had rather carry on two wars, of which one costs him nothing, than be left alone in one in which all the world will see his weakness. Your Honour will judge of the truth of this reflection. As far as I can inquire into the humour of our French negotiators, Harlay and Cailleres [Callières] are (I find) bigots, and Cressy an old chicaner; by this Your Honour will see that our hopes for [*blank*] are but moderate, for in private conversations, where the last article in the *Postulata* has been touched by chance, they fly out

into extravagances; but this is to you alone and to my Masters at their coming.'' *Copy.* (X. 259.)

JAMES VERNON to MATTHEW PRIOR.

1697, March 30 [–April 9]. Whitehall.—'' Sir Joseph Williamson is growing well again, and our plenipotentiaries, we think, will be going in 8 or 10 days.

'' The Earl of Monmouth is now a free man again. If he can be a quiet one, it will be better for himself and his neighbours.

'' Since leave given by the House of Commons the Commissioners of the Admiralty, who are Members, have attended the Committee of Lords, Mr. Russell only excepted, who is like to leave it to others to satisfy the Lords in the questions they have to ask.'' (III. 3.)

MATTHEW PRIOR to the [EARL OF PEMBROKE,] LORD PRIVY SEAL.

1697, April 12. [N.S.] Hague. — '' Count Stratman's secretary arrived here yesterday morning from Vienna, and (as my Lord Lexington informs my Lord Villiers) brings orders to the Imperial ministers here to agree, as the rest of the Allies have done, to the preliminaries as they now are, and without any further explication or change. The Imperial ministers for all this will not acknowledge that they have received any other order than what confirms their former of not receding the point without obtaining the explication they have been asking, and which, I may say to Your Lordship, France would deny them to the end of the world. Your Excellency sees how hard it is to deal with these Germans; we stay first two months to have a reasonable answer from their Court, and are likely to stay some time longer before their ministers will avow the receiving the answer when it is sent.

'' The ministers of the least Princes have taken the greatest houses here, and at such rates as if they never designed to pay the rents. I hope at least Your Lordship and Sir Joseph will have apartments in the Old Court.'' *Copy.* (X. 261.)

JAMES VERNON to MATTHEW PRIOR.

1697, April 2 [–12]. Whitehall.—'' I am afraid you have heard the ill news that is come hither of the loss of the Dutch Bilbao fleet, most of which is said to be taken by the St. Malo's privateers.

'' The Earl of Monmouth came not out of the Tower till yesterday: a fit he hath had of the gravel with swelling in his side kept him there two days after his discharge. It was declared on Wednesday last that my Lord Clifford should have his place of Lord of the Bedchamber, and to put him yet more out of humour the Earl of Peterborough is like to

recover, who was concluded to be dead, and that it was not to be owned till quarter-day were past.

"My Lord Pembroke talks of going from hence the week after next: I know not whether he can have Sir Joseph Williamson's company so soon, for he lies very ill with a fever, and hath an ill symptom of a great doziness upon him." (III. 4.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, April 16. [N.S.] Hague.—"The substance of that packet from Vienna which I forwarded to you by last post might justly make you expect to hear something from hence by this of the Imperialists receding from the explication in the preliminaries, which for some time past they have insisted on; but Count Kaunitz stands as tenaciously to the point as if he never had received one word which might authorize his yielding it. The Pensioner, Mons. Dyckvelt, and my Lord Villiers are now together on that occasion, and till the Imperialists will remove this difficulty the whole work is at a stand.

"The German ministers here are apprehensive the French may begin the campaign with some action on the Rhine; that Mayence may be besieged or bombarded. The King of France sees the review of the Swiss and French Guards, the Household Troops, etc., the 20th of this month, after which they march towards Germany. Captain Price will tell you he is arrived at Helvoet, having landed his recruits and officers at Ostend.

"We want five posts from England, so know not if the King or his Ambassadors are ready to come." *Copy.* (X. 262.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1697, April 6 (–16]. Whitehall.—"I find you are very sanguine on the subject of the peace, and doubt not but you build on a good foundation. We believe you will not long be without the King's ambassadors. We have had no letters from your side of the water since those of the 5th instant N.S., so that we know not what progresses are of late made at the Congress at The Hague, but in ours at Westminster we have done to-day, by laying 12*d.* in the pound more upon land, and doubling the last subsidy, somewhat that in its consequences may contribute much towards a peace; for this will make the King easy in his affairs, and put a speedy end to this session of Parliament, so that His Majesty may oon be going over to Holland." (III. 5.)

JAMES VERNON to MATTHEW PRIOR.

1697, April 9 [–19]. Whitehall.—"We have now three mails due: all I have to send you is that another piece of

malice against my Lord Duke [Shrewsbury] has been defeated this day, which was to have been introduced by Mr. Arnold's report, those concerned in it designing to bring the informer Smith before the House of Commons, as he had been formerly before the Lords, and so to have concluded the sessions with some slur; but when they found people were so little afraid of their report as to call for it and to press the bringing it on, they grew shy of exposing that and themselves, and thought it best for the reporter to play least in sight. Whereupon the House resolved to hear no more of it." (III. 7.)

Sir William Trumbull to Matthew Prior.

1697, April 13 [–23]. Whitehall.—"I am obliged to you for your free communication of your observations and thoughts upon the present transactions, and you may assure yourself that what you entrust me with goes no further; and therefore you are safe as well as kind in using freedom with me; and I desire it the rather, because, to be free with you in my turn, the accounts my Lord Villiers gives me are very imperfect, and therefore I entreat you to continue to me the satisfaction of letting me know the characters and inclinations of the ministers at the treaty, the progress of affairs there and what hopes there is of a peace, or the contrary, or what other remarks your station and your talent enable you to make." *Signed.* (III. 8.)

J[ohn] Tucker to Matthew Prior.

1697, April 13 [--23]. Whitehall.—"Having a few scraps of news and conjectures I send them to you; and first Sir James Rushout, an old, rich, unhealthy gentleman, is chosen by the Turkey Company upon the King's recommendation to be Ambassador at the Porte in the room of my Lord Paget recalled. Consul Blackwell this morning kissed His Majesty's hand as Envoy to Florence. The Earl of Manchester, I suppose you know, is appointed Ambassador Extraordinary to Venice to return their compliment, though I think a little too soon; and Mr. Stanyan in our office is like to go Secretary to the Embassy (not Ambassador) and will have a Commission, 300*l.* equipage and 40*s. per diem;* this last is not absolutely done, but so far that I believe it will be.

"My Lord Pembroke intends to embark the first fair wind, and stays for nothing else. Sir Joseph Williamson is so well, as in probability he may be able to go in a few days; so you may expect him with the King, who, we begin to say, will go hence the latter end of the next week, the wind permitting. The Parliament, I believe, will be up on Saturday next; but before His Majesty goes, we say, there will be some alterations amongst the Ministers. I do not hear who will be out, but there being vacancies in the Admiralty, Treasury, and Com-

mission of Lords Justices, those will be filled, and some few removes besides. One named (amongst others) to fill the Commission of Lords Justices is my Lord Sunderland, but till you hear further, pray keep that to yourself.

"We expect an alteration in the Government of Ireland, the Lords Drogheda and Montrath, who are now joined with my Lord Galway, it's said, will be both out, and in their room Mr. Methuen (now Lord Chancellor) and Mr. Henry Boyle. Just now we received an express from the Governor of Dartmouth, giving an account that a great fleet of ships were seen off the Start Point, which alarmed the country, believing them to be French, but it is most likely that they are either our own Virginia Fleet, or Admiral Evertz with the Cales [Cadiz] and Portugal Fleets." (III. 9.)

JAMES VERNON to MATTHEW PRIOR.

1697, April 16 [–26]. Whitehall.—"We have ended our session, and His Majesty's speech will inform you how well he approves of it. I know not whether we have answered expectations abroad, but we have exceeded what many among us ever thought could be done; and I don't think any Parliament hereafter will have it in their power to give so much.

"I am sorry I must tell you my Lord Duke has grown worse of late; not only his spitting of blood is a little increased, but there are some symptoms that show a tendency towards a consumption, and it is imputed to the wrong method that hath been taken for his cure. Doctor Ratcliff hath long disapproved of it, and now His Grace is prevailed on to put himself into his hands. I wish we may have more reason to commend the course he intends to take, but he speaks of it with assurance, and therefore I hope he doth not think his assistance is required too late.

"There is a great fire just now broke out in Derby Court at the end towards the water. I hope it may be soon mastered, since there is little wind stirring." (III. 10.)

J[OHN] ELLIS to MATTHEW PRIOR.

1697, April 17 [–27]. Whitehall.—"Mr. Howard, the person who will deliver you this, is son to a worthy gentleman of my acquaintance, a doctor of physic; and his genius inclining him to painting, his father, though a wealthy man, will not oppose his inclinations, but rather seconds them by allowing him to travel, to make what improvement he can in an art he so much affects; and who knows whether he may not help to revive that noble science much fallen of late from its ancient splendour and perfection?

"I desire you will please to give the young man, who is so modest he will not be troublesome, such countenance and protection as he shall stand in need of for the better prosecution of his design at The Hague; and when he shall have a mind to go to Amsterdam or Leyden to see what those

places afford for his instruction, that you will please to recommend him to some person there who may assist him in his laudable design.

"I do not often trouble you with my letters, because Mr. Tucker constantly acquaints you with what happens here worth your knowledge, and the repetition of them from my hand would but make them worse. He had a fair escape last night, the house being on fire just as he was going to bed, so that he had only time to clap on his clothes again and take away some guineas he had; the rest of his things are burnt or pillaged. All that [Derby] Court is burnt down, so [you] will believe some of your relations near it were well frighted." (III. 11.)

MATTHEW PRIOR to [JAMES] VERNON.

1697, April 20-30. Hague.—"We had eight posts yesterday from England, and I am honoured with as many letters from you. I am ashamed my correspondence can no way balance yours; the little chicanes we have had here have hardly been worth sending you, and an ugly defluxion upon my eyes has hindered me from writing to you so regularly as I ought to have done.

"I hope to get well by that time my Masters come, and to make amends for my negligence to my friends when we may have something worth troubling them with. The only point that obstructs our entering into the negotiation is (I think) the reunions the French have made in the Spanish Provinces since the Treaty of Nimègue. The Spaniards have given a list of their pretensions to the Mediator, and are pretty fair in the matter. The French chicane; they will give their answer, but so very little time (possibly some hours only) before the entering upon the treaty, that the Spaniards shall not see it, or at least not have time to object against it, otherwise than whilst the treaty is actually on foot, and so that their excepting against it shall not hinder the going on with more material points: which being interpreted is that, the treaty being ready to be finished, the Spaniards shall not think it worth while to break off all for that which they would make as much bustle as they can to obtain now. I know not if the King of Sweden's death may not hinder us some time longer: the young King under the government of his grandmother and Oxenstiern will certainly carry on the mediation. I hear to-day that Denmark will desire a part of it, but I cannot give you this for certain.

"I suppose you do not think Mr. Rowley will be less welcome to me for my not having mentioned his coming in my last letters to you. I take it as a thing done, and when my Lord Duke thinks fit to send him to me, I shall behave myself to the young gentleman as if His Grace had not only baptized but begot him."

Postscript. "I am extremely glad my Lord is recovered. I leave it to you to tell His Grace so as you may find occasion or think fit. I have sent Jimmy his packet of news." *Copy.* (X. 264.)

JAMES VERNON to MATTHEW PRIOR.

1697, April 20 [–30]. Whitehall.—"I have your letter of the 26th instant. What is become of the three preceding mails we know not, but are told they were put on board a vessel that is gone for Ireland. Since they are to go thither, I am glad you had not the trouble of writing any by that conveyance, though I am very sorry at the occasion for it, and we find that our plenipotentiaries take their turns to be out of order; and what exceedingly adds to my trouble is that my Lord Duke finds himself much worse since he went into his new method. He took Dr. Ratcliff's prescriptions, which were opiate pills, on Friday and Saturday only, and the last time they occasioned a great vomiting, which brought up a quantity of blood and some of it clotted, and he hath been very weak and much out of order since that time.

"He is now returned again to Sir Thomas Millington's advice, and finds it absolutely necessary to remove to a greater distance from London, that he may be freed from the importunity of visits and the fatigue of business, both which, it is feared, render his recovery impracticable.

"His Majesty's convoy will be ready, as was ordered, by Thursday next, and the wind being now come about, I suppose he will be going to Margate on Friday or Saturday at furthest. In the meantime a Council must be called and the Lords Justices declared, which is not yet done; we know only of one new one to be added, which is the Earl of Sunderland, to whom my Lord Dorset hath resigned his office of Chamberlain for the sum of 10,000*l.*, which His Majesty pays.

"I hear my Lord Keeper [Somers] is to be a peer of England, and to induce him to accept of it he hath a grant of lands made him to the value of near 2,000*l.* per annum, which every one thinks he well deserves.

"The Commissions of the Treasury and Admiralty are to be renewed; Mr. Pelham will be added to the former and Mr. Wharton to the latter; whether any more I know not.

"Mr. Duncombe is removed from being receiver to the Excise, and it is given to Mr. Burton of the Exchequer, who, if he be not so rich as the other, shows, however, a greater forwardness to accommodate himself to what the public service requires.

"Sir Robert Clayton is going off from the Customs, great notice being taken of his discouraging the subscriptions which are to be the foundation for issuing Exchequer bills." (III. 12.)

MATTHEW PRIOR to [CHARLES MONTAGU,] CHANCELLOR OF THE EXCHEQUER.

1697, May 3. [N.S.] Hague.—"With the last English letters we had the news that Sir James Rushout was to go to Constantinople; Lisbon therefore is open, unless envoy-ships are to be entailed, and Methwyn succeeds Methwyn till Shiloath comes. Though the Portuguese have just now sent an envoy to us, the peace might be made before ours went to them, if he were named now. You see I am recommending myself to you to be recommended by my Lord Keeper for this employment. My Lord Duke of Shrewsbury would, I believe, be on our side, and my Lord Albemarle would second anything of that kind, if it were once on foot. To help this, the Embassy would hardly be denied such a thing for their secretary, and your friend Matt Prior might learn Portuguese, and get two thousand pounds in three years, and come home again to dedicate the rest of his life *amicitiæ æternæ*, and to the commands of my Master. If this project fails, so will Sir James Rushout's life before he gets halfway to Turkey, so that if I were sure that no other consumptive member should be put into that pool before me, I would certainly in recompence bring you the peace, rather than leave it at Aston's lodgings: but Portugal is the present point, and I leave it to your consideration. I confess I should prefer it to any thing, but to being at home and near you.

"The steps towards a peace advance as fast as the gravity of the House of Austria will permit. The difficulties which the Emperor made are adjusted, and the only ones that remain to obstruct the opening the treaty are about the reunions which have been made by France in the Spanish Netherlands since Nimègue. The French will not give their answer to the list which the Spaniards have made of these reunions till just the beginning of the treaty, because (say they) the Spaniard, not consenting entirely to the answer, may refuse entering into treaty. Chicane (my dear Master) and nonsense, for the French know very well that, let their answer be what it will, the Spaniards are not in a condition to refuse coming to a treaty with the rest of the Allies; and the Spaniards know as well that they shall gain nothing by this little bustle besides the credit of being thought considerable enough to stop the treaty some little time for what they are sure to yield at last. In some days the treaty will open, and things look as if it would succeed. If you are of opinion that this affair of Portugal be practicable, you will let me have a line from you in order to my getting it seconded; if not, *nil mihi rescribas.*" *Copy.* (X. 265.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, May 3. [N.S.] Hague.—"The affair of the reunions in the Spanish Netherlands made by the French since the treaty of Nimeguen is the only one (I think) that hinders

our entering upon the treaty so much expected: it is very senseless on both sides."

"I believe the treaty will soon be opened, so I wish my Masters were here, for Holland will have a peace, and is pretty open in its discourses on that head. The Pensioner, I think, is a little too much so; it is showing his cards before he is quite sure of the game: but when we once come to a treaty, the thing will doubtless not be long doing.

"I have spoke with some of our French here that have dined with the Ambassadors. Their table is well served and sober, the discourse of it very well and all politics industriously avoided: the only thing observable was that Harlay, upon the speaking of King James' Manifesto, observed that there was nothing more contradictory than his two papers, and that he was mighty ill served and advised in the publication of them. And upon naming that Prince I must tell you that a good friend of his, Sir Robert Tirril, is here, and, as he says, is going over for England. I have an eye to his haunts, and shall (according to my duty) advise you if I have any reason to think his conduct here any way mysterious."

Solicits Trumbull's favour in the matter of the Lisbon envoyship. *Copy.* (X. 267–9.)

MATTHEW PRIOR to [CHARLES] MONTAGU, CHANCELLOR [OF THE EXCHEQUER].

1697, May 10. [N.S.] Hague.—"I will not trouble you with the particulars of our Congress affairs yesterday at Ryswick, where we met for the first time, and in short did little more than show the Mediator our *pleinpouvoirs*.

"I troubled you so lately about my own affairs that I should blush to do it again but for an accident since that I could no way foresee. My Lord Villiers, when he kissed the King's hand yesterday for being made a Justice of Ireland, told him that he thought it would be for His Majesty's service that I should be Secretary to the Justices, and that His Lordship should take it as a particular addition to the honour the King designed him; that, if His Majesty would be pleased thereupon to order a letter to be writ to the other two Justices, there would be no difficulty in the thing; and that my absence till the peace might be supplied by a *commis* or deputy, I being actually as much in His Majesty's service here as my Lord Villiers himself. The King answered, that he was satisfied with my service, and with the proposition, but added,—*I think I have already been spoken to for another, but if the Lords Justices agree upon Mr. Prior, I am willing to it, and will write to the other two.* My Lord Villiers asked him if in the meantime I might write about it to you, and the King consented: *ad te itaque advenio, spem, salutem, auxilium expetens.* I know you will press the Marquis of Winchester upon this point, and if you gain it,

we shall get our thousand pound a year in Ireland, and I shall come once or twice a year to England, which, my dear Master, are no light considerations. I write you just the state of the affair, that you may take what measures you judge rightest in it. If this secretary, whoever he is, was recommended or is protected by my Lord Sunderland, there is no hope of our succeeding: if otherwise, we have the King, Lord Villiers and, I believe, Lord Galway on our side." *Copy.* (X. 269–70.)

MATTHEW PRIOR to LORD SUNDERLAND.

1697, May 1–11. Hague.—"My congratulating your being Lord Chamberlain is but a pretext, by which I would colour the presumption of writing to you. The true meaning of my letter is to beg your favour and protection to a young minister who has a mind to be all his lifetime Your Lordship's servant. My Lord Villiers, being named one of the Justices for Ireland, did me the favour to recommend me to His Majesty to be Secretary to that Commission, as soon as the honour I have of being Secretary to the Embassy here ceases. His Majesty testified better of me than I deserve, but added that he had been spoken to about that employment in favour of somebody else; but that if the other Justices consented to what my Lord Villiers asked in favour of me, His Majesty was willing to confirm it, or to give me anything else in Ireland that should be judged proper. I therefore beg Your Lordship's favour in this thing as far as it will bear. I should not thus have dared to break through all forms but for this emergency, which may be so considerable to my future fortune, nor have troubled Your Lordship on a less occasion than to tell you that my life may take that turn which you please to give it." *Copy.* (X. 271–3.)

J[OHN] TUCKER to MATTHEW PRIOR.

1697, May 4 [-14]. Whitehall.—"This morning I received the favour of yours of the 10th instant (N.S.) with a copy of the journal of the first day's proceedings of the Plenipotentiaries at Ryswick, which I heartily thank you for, and am glad to see matters look so well. I wish you all success.

"Mr. Secretary showed me yours to him of the same date, wherein you desire to know whether for the future you are to address yourself immediately to him, Mr. Ellis or myself in your public capacity; he replied—*pray write to him* (meaning you) *to-night, and desire him by all means to write to me:* and to be free with you, I believe he thought you would be more particular to him than perhaps their Excellencies may be. As to the other part of your letter, wherein you say my Lord Villiers had proposed you to the King to be the Chief Secretary to the Lords Justices of Ireland, I do assure you Mr. Secretary was so ready to serve you that he himself found my Lord Galway, and spoke to him about it; and His

Lordship was pleased to assure him that nobody had yet been recommended to him, or (he believed) to the Marquis of Winchester either; and that he should be very glad to have you their secretary before any other person whatever; but he asked how it could be, while the treaty was on foot, where you were already engaged as secretary? Mr. Secretary leaves it to you to solve this question; and perhaps it may not be difficult, if you will consider that there are always two secretaries, and one may shift for so short a while as your employment there may be likely to last; or at worst, it is but leaving that, if the King will consent to it, and somebody else supplying your room: but these being only my own hints to you, you may probably think of some better expedient. I do intend to-morrow to wait on Mr. Chancellor of the Exchequer, and desire him to speak to the Marquis of Winchester; but without further consideration, since you have two of the three already, I must desire you to apply for the King's recommendation immediately, for it will be worth your while, and I wish you heartily well." (III. 14.)

JAMES VERNON to MATTHEW PRIOR.

1697, May 4 [–14]. Whitehall.—"I have your letter of the 1–11 with the enclosed account, and shall keep you from being reprimanded for it; though somebody ought to think it their business to inform the Lords Justices of what passes at the treaty. I find Mr. Blathwayt refers it to those who are properly concerned, and I don't yet see anybody that undertakes to do it.

"I am glad to hear my Lord Villiers had you so soon in his thoughts for the Secretaryship of Ireland, and I am more pleased to find it is not a compliment only. I am told by one who came from my Lord Chamberlain this afternoon that you were spoken of there as the man pitched upon. I take it for granted, therefore, the King's pleasure was signified by this post; and it came seasonably, for I found them unresolved where to choose, though several had been proposed. This being the case, you will want no offer of my service; but I have engaged one who is intimate with the Marquis of Winchester to give him your character, and my Lord Galway knows it already. That which still puzzles me is how you will divide yourself between Dublin and The Hague." (III. 15.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

[1697, after May 5–15. Hague.]—"You see by the enclosed what was done on Wednesday at the Congress. I wish Count Kaunitz' haughtiness and Mons. Zeiler's formality may not hinder us in points more essential to the treaty than this of their manner of meeting the French could be. I cannot forbear saying to you that I am not sorry those people who

would distinguish themselves in everything meet with some little mortification in this. I wish to-morrow may answer the Mediator's third proposition; for till something material is before our ministers, these punctilios will amuse those of Germany and especially those of the Emperor.

"By an express just now arrived from Zuylestein we hear that the King is quite freed from the indisposition he lay under. God preserve him to us. The letters from Flanders to-day talk much of the motions the French make, which, it is thought, will end in the siege of Ath." *Copy.* (X. 272-3.)

JAMES VERNON to MATTHEW PRIOR.

1697, May 7 [–17]. Whitehall.—"I find it is no secret in this town that you are to be the Chief Secretary in Ireland, but still I can't be resolved whether Ireland or the treaty must want you, unless you intend to make a speedy end there either by concluding the peace or sending home the French plenipotentiaries.

"Sir Joseph Williamson is got abroad, and will be moving towards you when the convoy sails next week." (III. 16.)

MATTHEW PRIOR to [CHARLES MONTAGU,] CHANCELLOR OF THE EXCHEQUER.

1697, May 21. [N.S.] Hague. — "*Victoria!* My Lord Sunderland has writ to my Lord Villiers that the two Justices have consented to my being their secretary; my Lord Villiers has writ the thing to my Lord Albemarle, and I do not doubt but that it will be confirmed here. I need not tell you the sense I have of your favour in this matter, nor thank you for your solicitations or for your two letters. I spare my Lord Sunderland likewise from my compliments, though I had the impudence to trouble him with my requests. I beg you to say for me to His Lordship all that you think a mind truly grateful could imagine. I write to my new Masters, but you must help me too to thank them. I hope my peace-making may give me leave ere long to pay them my duty; indeed, Master, it will be a great consolation to your wandering dove, when he comes with the olive-branch in his mouth, to find a place prepared where he may set footing. I read my Lord Villiers your excuses for not writing to him; he thinks it sufficient." *Copy.* (X. 274.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, May 21. [N.S.] Hague.—"The Congress on Saturday afforded but very little. The Imperial ministers gave the copy of the project they had drawn up for the Empire to the German ministers, who are to examine it and will give in their sentiments of it to-morrow.

"Mons. de la Tour is arrived here again. He has taken a house at Ryswick, and intends to show his credentials for assisting at the general peace.

"The paper to Mr. Tucker tells the news we have concerning Ath. God knows if it can be succoured. People talk very differently of it. The design of besieging so inconsiderable a place does no way answer the ideas the French gave us of what they would do in Flanders.

"I cannot sufficiently express my gratitude to you for what you have done for me in the business of Ireland." *Copy.* (X. 275–6.)

JAMES VERNON to MATTHEW PRIOR.

1697, May 11 [–21]. Whitehall.—"I have none of yours to acknowledge, and shall not go about to acquaint you with occurrences that you will find in other letters. But as to what concerns yourself, I find some endeavouring to provide you a substitute in Ireland till you come to officiate, and they would have me join in it for Palmer, who is now Secretary to the Justices; but I refused it for many reasons; for this chiefly, that if you are detained there, I think it will not be refused you to appoint your deputy, though the best way is to execute your own office and to begin with your new Lords." (III. 18.)

TREATY OF RYSWICK.

SCOTLAND.

[1697, May.]—Instructions to the Plenipotentiaries of Great Britain at The Hague to secure for the King's subjects in Scotland (1) confirmation of the ancient privilege of naturalization as free subjects of the King of France; (2) their accustomed exemption from an imposition of 50*s.* per ton laid by the French upon all foreign shipping; (3) the removal of heavy impositions laid since 1660 on the produce of Scotch manufactures; a prohibition of the import of herrings and "white fish," and an additional imposition upon salmon. *Sign Manual.*

Further instructions to the same to endeavour to secure the restoration of Anne, Duchess of Hamilton, to her title of Duchess of Chastel-Herault and her other rights and possessions in France, including the arrears of a yearly pension of 12,000 *livres* until restitution be made, which pension was last ordered to be paid in 1661: also the restoration to Sir William Douglas of the lands held by him in his wife's right at Dankelsheim and Ketelsheim in Alsace and elsewhere in France: also the insertion of a general clause in the treaty restoring all Scotchmen to lands in France whereof they have been dispossessed. *Signed*, W. R.

Endorsed:—"Given to Mr. Prior by the Earl of Pembroke, May 28 [N.S.], 1697." (XVII., No. 4.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1697, May 11 [–21]. Whitehall.—"Sir Joseph Williamson came on Friday night to take his leave of our Lords. I took

the opportunity of recommending your plate to him to be sent with his goods; and the next day I got it out of the Jewel House and sent by Beaumont, a porter, to his house; the receipt for it together with the key of the trunk you will find enclosed. There is in the trunk six large candlesticks, a snuffer-pan and snuffers, and a silver standish. I paid four guineas, fees, besides 5*s.* to the office-keeper, and 1*s.* 6*d.* cord and porter, &c. When I came to take them away, they told me that, the King wanting three pair of candlesticks for Flanders, they had given Mr. Lowman those that were made for you, and these sent you were made according to His Majesty's directions for his own use, and that Mr. Lowman would call on you to exchange them, there being little difference in the weight, but these the handsomer if you can keep them, which I suppose you will, for before they will come to your hands, I suppose the King will be gone to the army.

"Mrs. Prior sent to me a week ago to know if I had not directions to pay her 100*l.* I told her I had not yet any orders about it, nor money to pay it with. She said you owed her 44*l.*, and that you told her in May she should have 100*l.* to repay herself and to get some things for you, and desired me to acquaint you therewith." (VIII. 223.)

William Blathwayt to the Ambassadors.

1697, May 14–24. Mecheln.—The Comte de Soissons being now on his way to Italy to reconcile himself to his cousin the Duke of Savoy, and by his means to his uncle the Prince of Carignan, from whom he has considerable pretensions, the King signifies his pleasure that their Excellencies will give the Président de la Tour and his colleague to understand that the Comte, who has for some time past owned his adherence to His Majesty and attended him in eminent dangers of the war, is recommended to the favour of the Duke of Savoy, that there may be a just and favourable decision of family interests to preserve that branch of the House of Savoy from ruin, to which their misfortunes have exposed them. *Signed.* (III. 21.)

Matthew Prior to Sir William Trumbull.

1697, May 24. [N.S.] Hague.—"The enclosed contains the formalities of what was done on Wednesday at Ryswick. The essential part of it may be comprehended in very few words: that the Imperialists gave in Saturday before an imperfect paper, and tacitly confessed their having done so by changing it on Wednesday, and that they made the most ridiculous demand imaginable where they asked that of the French, for what have the French to demand or why would the Imperialists have them demand anything? You see, Sir, how slowly we advance: I hear the French grow impatient at it, and I take this to be a good argument that they are in earnest for a peace.

"I have not yet seen the Imperialists' project, but by the account I have had of it by piece-meal from their secretaries (I may say to Your Honour), it appears to me a little monstrous." *Copy.* (X. 281.)

JAMES VERNON to MATTHEW PRIOR.

1697, May 18 [-28]. Whitehall.—Giving as his private opinion that "as the Lords Justices are in the highest trust here, and have the honour to represent the King, and what is now negotiating at The Hague being of the greatest moment to this kingdom," they should not "be made strangers to it.

"I don't perceive but that hath been the case hitherto: perhaps it proceeds from an opinion that nothing hath yet passed that requires a communication; but I can judge only by what I see, and when the Ambassadors shall order any accounts to be sent hither, they may depend upon it that the Lords Justices will have the perusal of them.

"There is one come up to-day from my Lord Duke who tells me he is much mended; he is gone this day to his house in Worcestershire."

Postscript.—"The Lords Justices of Ireland took their leave this morning; their journey is fixed for Thursday." (III. 19.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1697, May 18 [–28]. Whitehall.—Thanks for Journals of the Transactions in the Congress at Ryswick. Has no doubt His Majesty will approve of the Lords Justices' choice of Prior as their secretary; is glad of it for Prior's sake, though he lose by it a good correspondent in Holland, which is of value at this time. Desires Prior to take particular notice of Sir Richard Onslow's son, now at The Hague. *Signed.* (III. 20.)

LORD GALWAY to MATTHEW PRIOR.

1697, May 18 [–28]. London.—Congratulating him on his appointment to the Chief Secretaryship in Ireland, and asking for directions as to the filling of that post during his absence at The Hague. *French. Holograph.* (III. 22.)

TREATY OF RYSWICK.

1697, May 19 [–29]. Hague.—Regulations as to the ceremonies to be observed at the meetings of the plenipotentiaries and the behaviour of their servants. *Latin. Authentic copy, sealed and attested by N. Lillieroot (the Mediator).*

[The text is printed in *Actes et Mémoires des négotiations de la paix de Ryswick*, second edition, Vol. II., p. 25.] (XVII., No. 9.)

SIR WILLIAM TRUMBULL to MATTHEW PRIOR.

1697, May 21 [–31]. Whitehall.—"I hope your business of Ireland has received the King's approbation, and that his pleasure will be signified accordingly. All I can say is that in this matter, as well as all others relating to you, I have been and shall always be very zealous and very sincere to use my little interest in your behalf. I hope this will come soon enough to your hands before you leave The Hague, and because we courtiers are not apt to do something for nothing, I am going to give you a little trouble, and will make it as short and as easy to you as I can. The story is this.—

"When I was at Paris, Mons. Lilierote, who was very kind to me, lent me two volumes of the Treaty of Nimeguen, *i.e.*, the letters from the French Court to their Ambassadors at that Treaty, and the Ambassadors' answers, which I had copied; and then these two volumes were all he had. He has now three volumes more, which I have written to him to do me the favour to trust in your hands, and entreat you to procure on such terms as you can some tolerable amanuensis to copy them for me, and to leave somebody, when you come away, to see them well (*i.e.*, truly) transcribed; that you would let them be copied on good paper, such as may not blot through, with a margin on the inside large enough for their being bound up afterwards so as to open well; and a larger margin on the outside; desiring they may be sent over hither in quires, to have them bound as my other two tomes are.

"That you may be sure to begin the third volume right, I desire you would see the end of his second; the last letter in my second volume being one from Mons. de Pompone to the French Ambassadors at Nimeguen, dated the 28th December, 1677.

"Be pleased to let the person you leave entrusted with these books have an express charge not to suffer any other copy to be taken: if you have any inclination that way, you may command mine when you please: and when one volume is finished, then the transcriber to be paid according to your agreement with him, which I will repay to your order, and then sent over to me by the first conveniency."

Postscript.—"Let me know when you design to be here, when my Lord Lexington comes to the Congress; who is to be your successor in the Secretaryship to the Embassy; and what judgement you make of the great affair, &c." (III. 23.)

JAMES VERNON to MATTHEW PRIOR.

1697, May 21 [-31]. Whitehall.—"Your Lords Justices went away this morning, and lie to-night at Dunstable; it will be Wednesday before they get to Chester. They intend to strike off from Coventry and make my Lord Duke a short visit.

"I have done what I could that Mr. May, the second secretary, might officiate for you till your arrival, and I hope it will be so ordered; and I have spoke to him that he be accountable to you for the profits, which he hath promised, and that he will refer himself to you for what you think to allow him for his pains." (III. 24.)

ARTHUR PODMORE to MATTHEW PRIOR.

1697, May 22 [-June 1]. Dublin Castle.—Having for many years before and since the Revolution been employed under the Chief Secretaries to the Governors in Ireland, is desirous likewise to serve under Prior. Refers to Lord Coningsby, and also to Sir Cyril Wych and Mr. George Clarke, who were secretaries there, who will favour him with their good word.

Since the year 1690, a relation of his, Joshua Dawson, has been in the office with him, and the business, whether in times of trouble or peace, has not required more; and if Prior will be pleased to accept of their service, all commands will be performed without other assistance. (III. 25.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, June 1. [N.S.] Cockleberg.*—"It is certain the naming the King at least once in the body of the treaty is the more necessary, since in an answer made in England to King James' late Manifestos and printed by authority, wherein King James calls upon the Princes of Christendom for the execution of their treaties with him, it is laid down as a maxim that the obligation of all such treaties goes to the possessor of the Crown, and consequently that there is nothing due from them to King James; and you know our English proverb in all such cases.

"Your reason for a general communication of all the Articles at once is very good, if it were possible for the French to have digested the pill you had prepared for them—at least without a better vehicle. 'Tis therefore in order to the finding out a fit temperament that the Dutch Ambassadors are to discourse again with the French about that point; and to delay any longer the giving in our main project would throw upon us in the eye of the world the procrastinations so much complained of.

"Have not the French submitted all their reunions before this war to an entire restitution? And give me leave to tell you their conquests upon the Hudson's Bay Company had no other pretence than that of a reunion upon account of the first discovery, so that although the Hudson's Bay Company do now tell you in the papers remaining in your hands that they are masters in fact as well as by right of all that Bay, and consequently of the peltry trade, the French upon signing our treaty will come in for their share, and show a new title to their imaginary pretensions.

* *I.e.*, Kokelberg, near Brussels.

"For the general negotiation your progress is indeed retrograde, and till there be an inward desire in all of you to despatch, there will be none. There is nothing so easy as to hinder a treaty as well as to write against a religion; but to promote or propagate either in the present circumstances—*Hoc opus, hic labor est.*

"We talk much of the Pensioner's coming hither. Your letters make no mention of it."

Postscript.—"I should with submission have said something to you of the style and correctness of your project, but their Excellencies saying 'twas to be given in Latin would have made my criticisms unnecessary." (III. 29.)

William Blathwayt to Matthew Prior.

1697, May 23 [-June 2). Malines.—"I come now to wish you joy of your new office, the King having resolved that you be First Secretary to the Lords Justices of Ireland. This I have signified to my Lord Villiers, and asked his opinion what may be fit to be done further for the fixing you in that employment.

"I am indeed heartily glad of your success in a business that may, I believe, very much save your circumstances. Do not fail to thank my Lord Albemarle for his good offices, and to own the obligation to His Lordship."

Postscript.—"The second secretary must officiate during your absence." (III. 26).

Matthew Prior to Mr. Powys.

1697, June 4. [N.S.] Hague.—Acknowledging the receipt of the plate for the Embassy, and thanking him for his care and trouble in procuring it. "For my aunt, *patience* is the word. I hope to bring her home the peace, which is better than 40*l.* ready money. Lowman and I shall agree about the candlesticks, as you and I shall, I have reason to hope, in everything." *Copy.* (X. 287.)

Matthew Prior to the Marquis of Winchester.

1697, June 4. [N.S.] Hague.—"I hope this letter may find Your Lordship safely arrived in Ireland. I wish I may likewise soon be there to receive and execute Your Lordship's commands according to what as well my inclinations as my duty requires. I take the liberty to add to what Mr. Blathwayt will have written to Your Lordship, that your dispensing some time with my absence will complete the obligation you laid upon me when you chose me: and that by my diligence and constancy in the service when I am upon the place, I hope to atone for my being detained some time from it.

"As much as one can guess at the peace, it will advance by large steps at one time. The French to a bundle of

postulata, which the Imperialists gave in, have returned a previous question in four lines and with it a sort of answer: they ask the Imperialists if they have agreed to the Preliminaries of the 10th of February last or no; if they have, the demands they now make (say the French) are unreasonable and not to be granted; if they have not, the French add that they are ready to begin to treat upon a new foot with them. This, however pressing it seems, will (Your Lordship sees) oblige the Germans to think of treating one way or other in earnest, and that side of the negotiation being once brought to any head, the whole affair, I think, will move with more ease and quickness. Your Lordship will pardon the boldness I take of writing to you without your leave, since the honour you have done me in admitting me your secretary seems to entitle me to a sort of right to do so." *Copy.* (X. 286.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, June 8. [N.S.] Cockleberg.—"I . . . . cannot imagine the reason why their Excellencies are so hard-hearted to Mr. Secretary Trumbull as not to send him a copy of your project, as well for his private satisfaction as you are in his province, as for the communicating upon occasion to the Lords Justices the whole or such part of it as they may desire to be informed of. But be it as it will, you know there has been no occasion for my requesting it of their Excellencies, the project having been given me by the King with orders concerning it which I signified to their Excellencies; so that so many clerks as I had, so many copies I might have taken of it without bringing you under censure or the imputation of discovering secrets; though, indeed, upon an English, Dutch and German post-day my people were so employed that I rather chose to rely on your hands when they might be at leisure. The matter being thus circumstantiated, their Excellencies could have no reason to suspect you of a breach of trust; but lest they may do so, I must not conceal from you that the Pensioner, being with me here, told me he had occasion to discourse with the King upon the Separate Article, that he had brought no copy of it nor of the project, knowing he might apply to me for it; and therefore, if you think that upon a conference with their Excellencies he may happen to produce your hand, you may, if you please, wait upon him in my name for it and thereby save yourself harmless, and send me either that copy or another of that Separate Article, if there be no danger in it.

"I have already told you the clause about Hudson's Bay is not only useless but hurtful to us; but that, you know, is not my fault.

"I had writ this when I receive yours of the 5th instant, where you say you hope to send me the treaty by the next post. I suppose you mean the treaty in Latin, since you know I have it in French, except the Separate Article, which

His Majesty by me ordered their Excellencies to keep back and the matter of it to be negotiated by our friends with the French Ambassadors. This is only to yourself, as you will find by the style. My other letter will be communicated by you to their Excellencies.'' (III. 39.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

[1697, about June 8. N.S. Hague.]—'' To the enclosed answer made by the Imperialists to the trying question of the French, I have only to add that by next post I hope to send you the reply which M. Harlay is already forming, and which in all appearance will be something decisive. Lord Villiers will acquaint Your Honour with the success of his visit to the Danish Ambassador's, whose master has taken time to chastise his pupil, who on the other side is as stubborn as one can imagine. There is nothing can still these people but the general peace.'' *Copy.* (X. 288.)

MATTHEW PRIOR to [CHARLES MONTAGU,] CHANCELLOR OF THE EXCHEQUER.

1697, June 11. [N.S.] Hague.—Lord Villiers says '' that his business is before you, and that he is a good deal in pain that the report of it is not come over to this side. You do not think I am impudent enough to intercede in this matter; but I cannot forbear pouring forth an ejaculation or two that everything may succeed to my Lord Villiers, and this particularly which lies between you and him, the two men I have reason most to love, and whom I would have love each other as much as I do either.

'' Our negotiation must move, I think, though the Germans clog the way with quires of *postulata*, to which the French gave a short answer on Saturday that they never intended to treat on any other foot, nor would debate on any other articles than those contained in the Preliminaries of the 10th of February, upon which only they are ready to begin to enter upon a treaty. The Imperialists grumble at this answer, but, I think, cannot reply to it.'' *Copy.* (X. 288–9.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, June 13. [N.S.]—'' The enclosed contains all our Congress proceedings, which, we hope, are set upon a foot to advance faster. My Masters are thinking of our business in particular, and I am very glad to find it is thought high time they should do so. The French have, I hear, answered Mons. Dyckvelt on this subject, that they are ready to renounce King James in as formal terms as can be proposed, provided he be not named.''

'' Mr. Stepney, your *spes altera*, is, I hope, speaking his gratitude to you this week as I was the last. I don't know how either of us can do it enough.'' *Copy.* (XVI. 18.)

Sir William Trumbull to the Lords Ambassadors Pembroke and Villiers.

1697, June 4 [–14]. Whitehall.—"That I might more effectually answer Your Excellencies' desire . . . to know whether our affairs in America have received any essential alteration, between the making of the treaty of Breda in 1667 and the beginning of this present war, I sent to the Council of Trade before whom those matters lie more immediately, to be informed thereof. And they let me know yesterday that, havin glooked intothe papers given in to them, upon occasion of their preparing a project of a Treaty of Commerce with France, they do not find anything further on that subject than what is contained in certain papers, copies whereof were transmitted to me in April last, duplicates whereof were annexed to the copy of the project of Treaty of Commerce with France which were put into my Lord Ambassador Pembroke's hands here; but there being mention made in the copy of a letter from the Hudson's Bay Company amongst those papers, marked E, of damages done them in ships and goods, such an account will be sent as soon as it can be made up. However, I hope this may answer Your Excellencies' expectation at present, in relation to the first part of your demand, and I will send you an answer to the second part, that is, of damages done since the beginning of the war, as soon as possibly it may be done with any certainty." *Signed.* (III. 30.)

H. May to Matthew Prior.

1697, June 6 [–16]. Dublin Castle.—Obliged to Prior that he approves his appointment as Secretary to the Lords Justices during Prior's absence. A Parliament will probably meet at Dublin about the end of July. (III. 31.)

Matthew Prior to Sir William Trumbull.

1697, June 18. [N.S.] Hague.—"It is impossible for us, from those papers my Lord Ambassador Pembroke has, to form any judgment of the state of our plantations. According to what I have heard, it is most probable things will be settled with the French as at the beginning of the war; and if we may believe Mons. Dyckvelt, our business will be proposed by him to them to-day. I cannot learn but that the French are earnest enough for a peace, and I believe these people are pretty well advanced towards it." *Copy.* (X. 291.)

The Earl of Pembroke and Lord Villiers to Sir William Trumbull.

1697, June 11–21. Hague.—Requesting him to send an abstract of England's gains and losses in all her plantations, colonies and forts from 1667 to the beginning of the present war: the French enquire more particularly about St. Christopher's and Acadie. *Copy.* (XVI. 23.)

J[ohn] Ellis to Matthew Prior.

1697, June 11 [–21]. Whitehall.—"The first part of your queries about America was answered, by referring to a state of that matter given to my Lord Ambassador Pembroke before His Excellency went from hence, and the answer to the second part is not yet come from the Council of Trade, who is our oracle in matters relating to that other world.

"We are enquiring into the state of the jointure of the late King's Queen, and though the settlements made on her, when he was Duke of York, are not to be found in any office here, we hope they may be procured, so as to be sent by next post, and that then you may have the answer likewise to the last question about America.

"Her jointure was considerably increased after she was Queen, and I have copies of those warrants out of the Treasury." (III. 34.)

The Lords Ambassadors Pembroke, Villiers and Sir Joseph Williamson to William III.

1697, June 24. [N.S.]—Enclosing the project of the peace which they have drawn up, and desiring the King's pleasure therein. The French wish to have a copy in Latin; but the paper the Ambassadors send is in French, in which language the Dutch Ambassadors have discussed most of its points with the French.

"One point of our instructions was that an article might be inserted to settle a Treaty of Commerce. Your Majesty will see that such an article is omitted, we leaving it to them to be proposed, since the balance of trade, as it now stands, is evidently on the English side.

"Your Majesty will see that the 6th Article relates only to the French who are your own subjects. The Dutch insert a like article in favour of the French who are their subjects. As to the affairs of the French Protestants in general, we will act conjointly with the ministers of the States and of the other Protestant princes here.

"Your Majesty will find that the 7th Article settles the affairs in America on the foot they were in at the beginning of the war, which we understand to be Your Majesty's pleasure. Most of the other articles are conformable to those which England has generally made in their [*sic*] treaties with France.

"We expect from the Pensioner the Article concerning the Principality of Orange. We have followed Your Majesty's directions in consulting with the Pensioner about this particular Article concerning the late King James. He is of opinion that it should be drawn up, as we presume it is, in the strongest terms imaginable; and that King James should be mentioned therein expressly and by name. The Ambassadors of the States have had several conferences with the French on this point, and have always represented this nomination as a thing essential to our negotiation, and

from which we could no way recede. The French are very positive that their Master cannot in honour consent to the naming a prince in this manner, with whom he has been in so long and so strict an alliance. We humbly desire to have Your Majesty's directions how we are to behave ourselves in case the French persist.

"In the discourses which the French Embassy have had with the Dutch, they have mentioned the restoring the rebels who have followed King James' party." *Copy.* (XVI. 27-9.)

J[OHN] ELLIS to MATTHEW PRIOR.

1697, June 15 [–25]. Whitehall.—"I find I reckoned a little too fast, when I told you, in my last, that I hoped to send you an account, by this post, of the settlement of the jointure of the late King James' Queen; that part of it which was settled on her when he was Duke of York being not so easily to be come at as that augmentation made after he was King; the copies of which warrants, taken out of the books in the Treasury Office, I send you herewith as an earnest of the rest, whereby you will see that she was to enjoy above 47,328*l.* a year, before her husband's death, and after it too, if she outlived him; all these grants being made to her during her natural life, and to be paid immediately to her, without coming into the Exchequer. What the value of St. James's House was I cannot tell; that I presume was given her for a nursery."

To "the second part of my Lords Ambassadors' question, about damages done us by the French in America, since the beginning of this war to this time, I am enabled from the Council of Trade to make you this answer, namely, that their Lordships have nothing more to offer upon that subject, with relation to the state of America, either before or since the war, than what is contained in those papers, which were transmitted to Mr. Secretary Trumbull the 5th and 17th of April last, and that they have yet received no answers from the Hudson's Bay Company as to the particular damages done them in their ships and goods. This last seems none of the material alterations, and so not to be comprehended in my Lords Ambassadors' question; but Mr. Penn having some time since given me a small Memorandum about a place called Corotoque, I send you a copy of it, to be made use of as you shall find occasion, if it be of any use.

"Copies of the papers aforementioned, given to Mr. Secretary 5 and 17 April, my Lord Ambassador Pembroke had before His Excellency went from hence; so that the answer to their Excellencies' second question is by way of reference, as that to the first was." (III. 35.)

THE MARQUIS OF WINCHESTER to MATTHEW PRIOR.

1697, June 15 [–25]. Dublin.—"I received directions from the King by Mr. Blathwayt signifying his pleasure that

he thought it necessary for his service that you should remain where you are for the present. and that he would dispense with your attendance in the meantime, which I acquainted my Lord Galway with. When you come, I hope you will bring peace with you, and in the meantime I shall be very glad to hear sometimes from you. This day the Parliament here was adjourned until the 27th of next month.'' (III. 36.)

WILLIAM BLATHWAYT to the LORDS AMBASSADORS.

1697, June 17[–27]. Camp at Cockleberg.—'' His Majesty, having perused Your Excellencies' letter of the 24th inst., with the enclosed draught of a treaty with France, and Separate Article relating to King James, has commanded me to return them to Your Excellencies with the signification of his pleasure that Your Excellencies deliver the said draught of a treaty to the Dutch Ambassadors, to be given with the addition of the article concerning Orange by them to the Ambassadors of France in the language proposed by Your Excellencies. But that the Separate Article be not delivered to the French Ambassador until those of Holland shall have discoursed with them further upon the subject-matter of it, and His Majesty's further pleasure shall be known therein.

'' The only alteration His Majesty has directed in the said draught is the naming of both Kings, which His Majesty has thought necessary at least of himself to obviate all chicanes the French might at any time make in favour of King James. And if Your Excellencies shall think fit to name His Majesty more than once, or to add any relatives to His Majesty's Christian name in any parts of the draught, it is left by His Majesty to Your Excellencies' discretion.'' (III. 40.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, June 27. [N.S.] Camp near Brussels.—With yours of yesterday '' I received a copy of the first article of the treaty between the Imperialists and the French. Now I return their Excellencies the draught of a project of peace with France, without much alteration, but I must observe to you in particular that your 7th Article will be of the greatest prejudice to the Hudson's Bay Company, as you may have judged by the papers received from the Council of Trade; for that by this article all those places taken from that Company before the war, and retaken by them during the war, must be restored to the French, whereas we have not in nature a reciprocal to give us an equal advantage; for let me tell you, your 4th Article will not help us in this case, but on the contrary, as I could explain to you for your private satisfaction if the post were not going away, and show you that three words would have mended the matter, I mean an exception of these evident *voyes de fait* the French made use of before the war, and which was a cause assigned for it in the declaration of war, wherein we shall now have

no remedy. But all this is only by way of discourse with you, which your former letters have engaged me in; not doubting but their Excellencies have had their superior reasons to word the treaty otherwise, so that it could not be fit for me on a sudden to hinder the progress of it by a single discussion with the King at so critical a time." *Signed.* (III. 42.)

MATTHEW PRIOR to the EARL OF DORSET.

1697, June 28. [N.S.]—"I have hoped that our treaty might long before this have afforded something material enough for me to have troubled Your Lordship with, but by what has been written to Your Excellencies in general on that subject, you see, my Lord, that we are advanced but little beyond our Preliminaries, and in fifteen meetings we have hardly agreed to the first article either of the Imperialists or Spaniards, though they contain little more than *pax sit.* I think the mystery of this slowness on the French side is that they have a mind to see the event of what they hope as well from the West Indies as from Barcelona. We are thinking of that part of the treaty which regards us, and then England and Holland will certainly have quicker answers towards making a good peace, or break off those conferences which as yet advance so little towards it. Your Lordship will see by the enclosed protestation in what a posture King James' affairs stand; this is the last entry he is likely to make. The Mediator when he showed it the Congress declared he received and looked upon it as neither valid or of consequence, but read it only as a curiosity.

"I am never to write to Your Lordship without repeating my acknowledgments for all your favours. I wish Your Lordship all that leisure and satisfaction to yourself which you deserve, and which your place of Chamberlain kept you from enjoying so entirely as you desired: but I hope, my Lord, you will never leave the Court so absolutely as not to be near it in every case wherein the welfare of the nation may ask your assistance." *Copy.* (X. 292.)

MATTHEW PRIOR to WILLIAM BLATHWAYT

1697, June 29. [N.S.] Hague.—"My Masters now are in conference with the Pensioner concerning the substance of your letter, so that what I can say is not by authority but by the private spirit. I make bold to tell you then that we always understood till now that the article about King James was by our friends here to have been communicated to the French as any other article whatsoever, lest they, having closed with the common article of peace, restitution, etc., should boggle in this most material one, and turn the reason of the peace not being signed upon our sticking upon what they will call some words only in that point."

"I send you a copy of the treaty and great article, and shall think it abundantly returned if you would write me

three words of explanation in the fourth article, and alter the form of the seventh, so as to help the Hudson's Bay Company. . . . . We have not all the light imaginable from the other side, Mr. Ellis having once more referred us to what we had of my Lord Pembroke from the Commission for Trade, which paper is very imperfect; and . . . . though they would altogether labour to inform us, you can do it something better.

"The enclosed will show you how little has been done at Ryswick. If we do not get into a better method (which I believe we shall not do till the French see what becomes of the affairs of the West Indies and Barcelona), we shall have time enough to have our projects corrected and the manner of proceeding in them rightly adjusted. The Imperialists have been as well with the Dutch Embassy as with my Masters to concert with them as an answer to the French, that, since they neither liked the first way of going on upon the *postulata* in general nor the second of answering to each article separately, there was no method left but for them (the French) to specify to all the Allies what lengths they would go, and what points they would accord for the general peace, and that the Allies might upon that declaration return their several answers. This, I think, will be moved to the Mediator to-day, and without the spirit of prophecy one may guess that the French will shuffle up an imperfect answer of their having already declared themselves on this account in the Preliminaries, and so I am afraid we shall have run round a circle, and shall find ourselves the next week where we were a fortnight ago.

"The Mediator spoke at Ryswick on Wednesday about this protestation of King James, which I send you enclosed; but as a thing no ways authentic or of consequence, but what he looked upon only as a curiosity. I did not misunderstand you as to my Master J[oseph] having conversed with the Plantations: may be so; but we keep our knowledge as carefully up as our money: though I know no time when the expense of either will be so necessary as now." *Copy.* (X. 294.)

Treaty of Ryswick.

[1697, June.]—Project of the treaty between the Kings of Great Britain and France, "as it was returned from His Majesty under cover of Mr. Blathwayt, 29 June, 1697." *French. Corrected draft.*

[This is essentially the same as the text printed in *Actes et Mémoires*, 2nd ed., Vol. II., p. 189: but the wording is in many cases different.] (XVII. 10.)

The Earl of Pembroke, Lord Villiers and Sir Joseph Williamson to [James] Cresset.

1697, June 29. [N.S.] Hague.—"On Thursday [June 17–27] Mons. Hespen communicated to the Congress of the

Allies here the substance of a letter which he had received from the Duke [of Holstein], his master, wherein that prince expostulates the hardships he is under; hopes due means may be taken in order to a just reparation, and assures the Allies that in as much as in him lies he will take care that the peace in the North be not disturbed. The Congress desired the ministers, whose principals can any ways be concerned in this affair, to write to them to interpose their good offices.'' Instructing him to act in this matter with the ministers of Saxony and Brandenbourg and Mons. Hop, to whom the Pensioner has written to the same effect. *Copy.* (XVI. 33.)

J[ohn] Ellis to Matthew Prior.

1697, June 22 [–July 2]. Whitehall.—'' I hoped to have sent you by last post the account enclosed of the late King James' wife's jointure, which was settled upon her when he was Duke of York, in a more authentic form than this is; though I believe the substance of it is the true state of that matter, but that we have to do with a very perverse person; but if anything further be necessary for your satisfaction in this point, we must look for it in the Rolls, where we are told it is to be found.'' (III. 41.)

The Lords Ambassadors to William III.

1697, July 3. [N.S.]—Acknowledging the receipt of the draft of the treaty. In the article of mutual restitution of places taken during the war they have inserted the words,—'' Except such places as belong to His Majesty of Great Britain, which the French seized during the peace immediately preceding this war,'' in order to retain possession of the forts in Hudson's Bay which the French seized in time of peace and the English recaptured during the present war. This exception they submit to His Majesty's approval, as being for his service, though not in strict accordance with their instructions. *Copy.* (XVI. 36–8.)

Matthew Prior to Sir William Trumbull.

1697, July 5. [N.S.]—'' We expect the Pensioner from the army to-day: in all probability he will bring us methods for a more expeditious way of carrying on a treaty; or else I cannot see what this method can come to.

Mons Dankleman, second of the Embassy of Brandenbourg being arrived, the ministers from the crowned heads make the same difficulty of visiting him as they did at Nimègue. Sir Joseph Williamson has informed us of what was done in that case by King Charles twenty years since, ... and their Excellencies desire to know His Majesty's pleasure therein, in order to their seeing Mons Dankleman.'' *Copy.* (X. 297.)

JOS[HUA] DAWSON to MATTHEW PRIOR.

1697, July 27 [-July 7]. Dublin Castle.—To the same effect as Podmore's letter of 22 May [-June 1] (p. 122, *supra*). Hopes Prior will not think it necessary to bring over any clerk with him, as Podmore and he can very easily discharge the whole business of the office, and the fees are but sufficient to maintain two clerks. (III. 44.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, July 8. [N.S.] Camp.—"I have laid your letter of the 5th instant before His Majesty relating to Mons. Danckleman, ... also two enclosed papers received from His Excellency Sir Joseph Williamson; in answer whereunto His Majesty commands me to signify his pleasure that their Excellencies do visit Mons. Danckleman, though no ministers from crowned heads have yet done it, and that he be treated, as well as the first minister from that Elector, with the honours of an Ambassador, to which His Majesty is disposed not only by the precedents in this case, but by his particular relation and affection to the person of His Electoral Highness."

Postscript.—"His Majesty is very desirous that this honour be done to the Ambassadors of Brandenbourg by their Excellencies before they receive it from any other ministers whatever." (III. 47.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, July 10. [N.S.] Hague.—"The Congress did nothing on Saturday, the French persisting not to give their project in till the Spaniards (whom they meant, though they expressed it the Allies), were agreed to it. The Spaniards confess their Pyrenean pretentions to be but chimerical, and would close with any temper in the world that might do their business, provided they only keep the bare pretence: in short they did nothing, not that they intend to persist, but because they would see what directions the Pensioner, who came hither on Monday, may have; and indeed we all hope he has His Majesty's pleasure how the great affairs may advance; and Mr. Stepney's Empire must roll on according to that quantity of motion the King will give it, for it is a heavy body and has very little celerity in itself. I have your remarks upon our cause to thank you for. I know who was likewise of the opinion of a wiser man that it should have been reciprocal, but the thing was determined as you find it, and my part was to write what others dictated. The French are digesting the whole project as it is without one word having been mentioned of the great article other than by Mons. Dyckvelt, *viva voce*.

"The Elector of Saxe being chosen King of Poland is all the discourse here. The refugees go no further into the consideration than to pity his spiritual state: the politicians

agree it is well for the present, but are concerned what may come of it twenty years hence, when he may be powerful enough in the Empire to oppress the House of Austria, or if he joins with that House to oppress the Protestant party. This is speculation, but the present influence the thing has is that the Imperialists like a peace less, and the Brandenburg more than before.

"I am sorry that you will see from my Lord Villiers that our poor Consul is faulty; but *fiat justitia, ruat cœlum.* He has often been told he ought not to be nibbling at passports, and after this if he will burn his fingers, they are his own, and nobody can help it. That Mons. Vanderpoele and his clerk Lawrentz took in (as they call it) the passports at the Briele or Helvoet, and gave the passagers notes or tickets of a new fabric and by their own power, upon which notes they went aboard, has been a grievance I have mentioned for some years past, and which must certainly be remedied to make the giving of passports here any way effectual." *Copy.* (X. 300.)

MATTHEW PRIOR to the EARL OF SUNDERLAND.

1697, July 12. [N.S.] Hague.—"I have very much wished our Congress might have given me an occasion of writing to Your Lordship without being wholly impertinent, which as yet it has not done. This is no very good character of it, my Lord, after nineteen meetings. I think this slowness may be attributed to the great love the Germans have to method, by which at last they found that they were hardly advanced to the end of the first article, and that *sit pax* was just consented to. The French willingly closed with this irregularity of doing nothing, that they might in the meantime see what became of Pointis' squadron, the siege of Barcelona, the choice of a king of Poland, and if anything might be attempted in Flanders; but these hopes having as yet in a great measure failed them, and the Germans being come off from their darling method of treating singly and by articles, the French have agreed to give in a project at once of what lengths they will go towards a peace, which we expect to see to-morrow.

"The Spaniards were hardly brought to join with the Germans in asking this project, and have at last only done it with their old reservations and chimeras of sticking to the execution of the Pyrenean Treaty; though they durst not have spoken of it, but that they are sure the French cannot recede from that of Nimègue. My Lord Portland has had an interview with Mons. Boufflers, which looks as if a suspension of arms were designed. The Pensioner of Holland has been at the army with the King, and we hope has His Majesty's resolution of what is really to be done at Ryswick, for it seems time to be in earnest, and these Allies have played the fool long enough for form's sake, if they design a peace

at last; and too long, if they do not. The King has approved of a project of peace for England. His Majesty's directions concerning the Principality of Orange, which makes one article of it, we had only the translating of, having had it in French from the Pensioner of Holland. What concerns King James is left first to the Dutch Embassy (who give the French the treaty) to get as far as they can *viva voce*, that a secret article may be formed afterwards. I send this treaty by order of my Lord Ambassador to Mr. Secretary Trumbull and to Mr. Vernon, who will lay it before Your Excellencies of the Regency. This letter may possibly find Your Lordship at Althorp, which must excuse my troubling you with a particular copy of it.

"I dare trouble Your Lordship with no more foreign news than that the Elector of Saxe is chosen King of Poland, that the French have passed the Rhine, and that Barcelona holds out." *Copy.* (X. 304.)

MATTHEW PRIOR to LORD LEXINGTON.

1697, July 12. [N.S.] Hague.—"Here is the copy of our project of peace: I wish Your Lordship here to sign it. I have told Mr. Sutton that we have done nothing at Ryswick this week: in private Mons. Dyckvelt has given in this project for us. We have had His Majesty's approbation of it, though I may venture to say to Your Lordship I think the forming it a little irregular for neither Privy Council digested it, nor Secretary of State formed or drew it up. I am ordered to send it by this post into England, and am not much in pain what they may say against it there, provided there be nothing objected to it at Delft. The exception in the seventh article, *iis solummodo locis*, regards some forts in Hudson's Bay, which the French took from us in time of peace, and which we retook since the beginning of this war, and are at present possessors of; the rest is almost naturally a treaty of peace upon the foot of that of '67 with France; the great article of King James by His Majesty's order left to be treated by our friends first *viva voce*, lest we might ask in a thing so delicate what we might be obliged to retract from. The Pensioner of Holland has been with His Majesty, and has, I believe, his instructions to what will be done in earnest in the great affair, which must advance by much larger steps than it has done or be quite broken off; but I think France will not let it come to that." *Copy.* (X. 302.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, July 12. [N.S.] Hague.—"I am commanded by my Lords Ambassadors to desire you to acquaint the King that the Imperial Embassy was this afternoon with their Excellencies, desiring to be informed if there were any ground for the report of a meeting between the Earl of Portland

and the Marquis de Boufflers. They said that they thought two persons of so considerable a character could not meet upon a small occasion; and added that this conjuncture of time made them more than ordinarily curious to know as much of the occasion and result of it as His Majesty could be pleased to have communicated to them. This request they made with great modesty and with all imaginable respect to the King. This their Excellencies order me particularly to mention to you, and to desire you to represent the thing so to His Majesty, as they may have his commands in what manner they are to answer the Imperial Embassy on that subject.'' *Copy.* (XVI. 46.)

H. May to Matthew Prior.

1697, July 3 [–13]. Dublin Castle.—'' The Lord Justices since their arrival here have issued two proclamations, one for prohibiting the exportation of grain, which is become so dear as to make the subsistence of the poor very uneasy in some parts, which the next harvest does not promise a total redress of without that timely help; which has had the good effect already to lower in some measure the price of corn: the other was to notify the sitting of the Parliament for the despatch of business [among other matters the confirmation of attainders and vesting of forfeitures in the King] on the 27th inst.

'' Capt. Lemel, commander of the *Pontchartrain* of Dunkirk, 44 guns, brought some time since by the *Medway* frigate into Kinsale, who with another officer of that ship was detained there by direction from England in lieu of two English prisoners at Dunkirk, whose names I have not heard, made his escape from Kinsale, and was taken three days ago endeavouring to get a passage from this port to England.

'' On the 25th past were set ashore near Dingle in the county of Kerry, the master, chirurgeon, and ten men lately belonging to the *Mercury* advice-boat of 4 guns, taken the 19th past ten leagues off Ushant by three privateers after she had been in Brest harbour, where she took a fisher-boat, whose people assured them there are fifteen three-decked ships there ready to put to sea; that the men were not on board, but ready in the town.''

'' The two clerks in your office here having desired me to recommend them to your favour, ... I must in justice to them acquaint you that Mr. ' Padmer ' [Podmore], one of them, has been in the office above thirty years, the other, who is his nephew, has likewise served a considerable time, and if you shall think fit to employ them, you will find them very diligent in and capable of the business.'' (III. 45.)

Matthew Prior to William Blathwayt.

1697, July 3 [–13]. Hague.—'' By order of the Lords Ambassadors I send you the enclosed project of the treaty

in Latin, as (according to His Majesty's command) it was given to the Dutch Embassy to be transmitted to the French. You see in the 7th article, *iis solummodo*, etc., the clause which their Excellencies inserted with relation to our forts in Hudson's Bay: the 10th article their Excellencies added, the substance of it being usually inserted in treaties of peace, and the whole design of it only to oblige each party to the strictest observance of all the rest; their Excellencies therefore do not think it worth troubling His Majesty with any other wise than as you may be pleased to do it, as occasion may serve by way of discourse. The 12th article regarding Orange is translated from what my Lords Ambassadors received from the Pensioner in French. You see by the enclosed journal how little has been done the two last meetings at Ryswick, and how much we expect from that to-day. The meeting of the Earl of Portland with the Maréchal de Boufflers we think may contribute more to the great business than many other meetings of our ministers here. You have seen by the letter I did myself the honour to write to you last night how much the Imperialists desire to know the effect of that meeting; and the world here are upon the same strain: 'tis the whole discourse in conferences, assemblies and coffee-houses, and the least people will have from it is a cessation of arms.

"Their Excellencies have, according to His Majesty's commands, visited Mons. Dankleman with the respect due to an Ambassador: they have likewise (as the Imperial ministers and all others have done) congratulated Mons. Bosen, Ambassador from the Elector of Saxe, upon that Prince's being chosen King of Poland." *Copy.* (X. 308.)

William Blathwayt to Matthew Prior.

1697, July 5 [–15]. Camp.—"I have received your letters of the 2nd and 3rd instant written by order of their Excellencies my Lords Ambassadors. In answer to the first, relating to the interview and conference between the Earl of Portland and the Maréchal de Boufflers, and the inquiries made by the Imperial Embassy, His Majesty is pleased to say that their Excellencies have already received sufficient informations and instructions in that matter, which need no repetition at present.

"Upon the latter I have only to inform you that His Majesty has been acquainted with my receipt of the project of our treaty in Latin and additions made thereunto by their Excellencies and with the visit made to Mons. Dankleman, with which His Majesty is very well satisfied." *Signed.* (III. 46.)

Matthew Prior to Sir William Trumbull.

1697, July 6 [–16] Hague.—"We did nothing on Saturday: the French only told the Mediator that they intended to give

in their project with all the speed they could: they did not think it could be done by Wednesday, but they would at least endeavour it: thus, Sir, we shall go to Ryswick to-morrow, but do very little there.

"We are as yet in the dark as to the substance of the conference between the Earl of Portland and Mons de Boufflers. The Germans are very uneasy about it, and I believe to-morrow morning we may have at least an answer for their curiosity, whether the right one or no, I dare not promise.

"I sent the project last post in such haste that I am conscious some slips may be made in it, which you will have the goodness to pass by, and Mr. Ellis will take the care to correct.

"Mr. Graham has given me your letter of the 20th June from Easthampstead: the gentleman may be sure of all the service I can do him, and brought a recommendation with him, which shall always have the force of a mandate to me." *Copy.* (X. 310.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, July 9 [–19].—"I am commanded by the Lords Ambassadors to inform you that Mons. Botemar, Envoy from Celle, hath acquainted them that, the Elector of Hanover designing to give his Minister to the Congress the character of Ambassador, he hoped that, as the King had already protected that Prince in his title of Elector, so on this occasion he would allow the usual honours to be paid to his Ambassador. Their Excellencies take it for granted that they may do it, except they have His Majesty's order to the contrary.

"Mr. Bosen has told their Excellencies that, as he is persuaded that His Majesty would favour the election of his Master to the Crown of Poland in general, so he would particularly in giving orders that John Bart might be hindered from coming out, it being said that Bart designs to carry the Prince of Conti northwards: their Excellencies already know what care is taken to hinder Du Bart from coming out: yet they think it proper to acquaint you with what Mr. Bosen had said to them.*

"The French promise their project to-morrow, which was all that was done on Wednesday at the Congress." *Copy.* (XVI. 49.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, July 9 [–19].—"The Elector of Saxe's Ambassador has informed their Excellencies the Lords Ambassadors of England that he hopes His Majesty will favour his Master's interest as it relates to Poland, and in hindering Du Bart from coming out of Dunkirk, who, as it is reported, is to carry the Prince of Conti northwards. Their Excellencies have ordered me to write to Mr. Blathwayt what this minister

* *Cf.* Luttrell, *Brief Historical Relation*, iv. 251, 254.

has desired, though for reasons more material the squadron to observe Du Bart was ordered out before.

"Mr. Ellis has sent the papers relating to America. I have laid [them] before their Excellencies, though as far as I can find we have omitted nothing relating to our colonies in the project I sent you. As to what regards St. Christopher's these papers refer to what has been done there since the beginning of this war, and care is taken of all that in the 7th article. The African Company mentions damages before the war: this is rectified by the 4th article, and the places which they mention to have been taken since the war are likewise comprehended in the 7th article. What they add, that the French should not traffic into the rivers of Gambia, Nunez, Serelion, etc., is referable to the treaty of commerce hereafter to be settled.

"The business of Newfoundland will likewise be settled, by the 7th article. This is only my own private opinion, and not by order from my Masters.

"Their Excellencies are now at a conference with the Imperialists to tell them the substance of the conferences which the Earl of Portland has had with the Marshal de Boufflers: the substance of which is held here as the greatest secret imaginable. It was that whereas the King of France has said he was ready to make a peace, and that the King obstructed it, His Majesty thought himself obliged to let all the world know that he was ready and willing to agree a peace, provided it was reasonable and honourable, and that he first chose to let the French King know his opinion to be such, adding that he did not think it proper that the Allies should let a negotiation continue which could not but be prejudicial to them, except the King of France did in earnest desire the conclusion of it. Mons. Boufflers' answer in the second conference was that he had express order from the King his Master to assure His Majesty that his designs for a peace were real, and that he had given his Ambassadors orders by which the Allies should see that they acted accordingly. I hope we may see the good effect of these promises, and thought it my duty to give you the best account of this affair that I could, though as yet I know it but imperfectly.

"I gave our project of peace by order of their Excellencies to Mr. Lilienroot yesterday." *Copy.* (X. 312.)

The Earl of Galway to Matthew Prior.

1697, July 10 [-20]. Dublin Castle.—Explaining why he has reduced certain dues payable by officers in the army at the Secretary's Office. *French. Signed.* (III. 48.)

William Blathwayt to Matthew Prior.

1697, July 12 [–22]. Camp.—"Their Ambassadors are to represent to Mons. Bosen that His Majesty, being ready to

do all things that may tend to His Highness the Elector of Saxony's quiet possession of the crown of Poland, has given orders to the English and Dutch squadrons before Dunkirk to hinder as much as in them lies the coming out of John Bart or his carrying the Prince of Conti to those parts, according to Mons. Bosen's desires.'' *Signed.* (III. 49.)

William Blathwayt to Matthew Prior.

1697, July 22. [N.S.] Cockleberg.—'' Their Excellencies had an account by an express that went away this morning of yesterday's interview between my Lord Portland and Boufflers. These conferences are only in aid of yours at The Hague and Ryswick, and tending only to quicken the treaty or shorten the Congress. The Separate Article between us and the French you will find to be the chief occasion of demurs on both sides.

'' I desired you this morning to send me as soon as possible in Dutch or French the treaty of Breda between us and the Dutch.'' (III. 53.)

J[ohn] Ellis to Matthew Prior.

1697, July 13 [–23]. Whitehall.—'' I send you herewith, by Mr. Secretary's direction, a copy of a memorial newly sent him from the Council of Trade, relating to the sufferings of the Hudson's Bay Company by the French for several years past ; and the Council say they now expect only some answer from the agents of Barbadoes to finish all they have to offer upon the subject of the alterations which have happened in the King's American Dominions by the French since the Treaty of Breda : so that now you see land in this business, for I think nothing material has been done in Barbadoes. This way of memorials, as they are called, is tedious, and will make you a great [deal] of picking work, which I would have had done to your hand by a short historical account of the matters and accidents ; but some people had a mind to have a maypole, and so you have a long one.'' (III. 50.)

William Blathwayt to Matthew Prior.

1697, July 25. [N.S.] Cockleberg.—'' I acknowledge the favour of the 24th inst. with the enclosed. I shall give you my deliberate thoughts upon the whole by the next post ; but I may now tell you there is more to be said and done upon the subject-matter by Mr. Hatley's good leave.

'' What the Council of Trade have sent you further about the West Indies is but ' wishewashes ' and nothing to your purpose. I like the news of Pointi[s] and Carthagena very well, since he is kept so long in those parts.'' (III. 56.)

WALRAND PRINCE DE NASSAU to WILLIAM III.

1697, July 25. [N.S.] Au Camp de Nevel.—"Aprenant que négotiations de la Paix commencent à prendre leur train, je prie vostre Majesté de me permettre que je là vienne très humblement suplier de faire la grasce à ma branche de Nassau-Saarbrück de leur accorder une lestre de rescommendation à ses ambassadeurs, et à ceux des Estats Généraux, pour le traicté de la Paix, affin que le député de ma maison les puisse présenter luy mesme aux susdits ambassadeurs et les informer en mesme temps de nos justes prétentions sur la restitution de la prétendue réunion de la Chambre de Metz. Vostre Majesté sçait que nous y sommes considérablement interessez, ce sera un surcroit de grasce que moy et mes parents tascheront de s'en rendre dignes par leurs servisces et submissions très humbles." (III. 57.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, July 27. [N.S.] Hague.—"We have as yet no comment upon the French project, though I believe the Imperialists will furnish us with one to-day. They acquainted the Mediator on Wednesday with the method in which they resolved to answer the French, which was that they would receive or make their exceptions against every article as it lay; and on the other side the Mediator told them that he had used his best endeavours to prevent the French from setting a time for the agreeing to or rejecting this project, after which time they would not look upon themselves as obliged to stand by it, or to perform the contents of it: he added that he thought he hardly could prevail with the French longer than Saturday (this day), to defer proposing such a time. The Mediator told our Embassy that though they were not immediately concerned in the project, he thought himself obliged to communicate the substance of it to them and desired to have their opinion upon it. This is the state of our Congress affairs here: I wish your conferences in Flanders may be easier and more conducing to the great end we propose.

"You judge most truly of the worth of those papers relating to the West Indies which the Council of Trade has sent us; however, having laid them before the Lords Ambassadors, *liberavi animam meam.*" *Copy.* (X. 317.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, July 19—29. Camp.—"His Majesty having received the enclosed letter from the Prince of Nassau Sarbroug [Saarbrück] praying his protection and care of his interests at the treaty of peace, His Majesty is pleased to order their Excellencies to favour the Prince of Sarbroug's pretensions as far as they may be able, in such manner and to the effect the agent of that prince at The Hague shall desire." *Enclosure supra.* (III. 51.)

MATTHEW PRIOR to the EARL OF GALWAY.

1697, July 20 [–30]. Hague.—To much the same effect as the letter to the Marquis of Winchester which follows. *French. Copy.* (X. 323.)

MATTHEW PRIOR to the MARQUIS OF WINCHESTER.

1697, July 21 [–31]. Hague.—"The French have at last given in their project to the Allies: it is upon the foot of that of Nimègue, and the House of Lorraine obtains no better conditions than that peace allows them, except the Emperor will consent to an equivalent for Strasbourg, for which France offers Brisac, Fribourg and Philipsbourg, with Huningue to be demolished. Your Lordship sees that the Emperor is pressed upon this equivalent; for in taking Strasbourg he must abate of what he has hitherto pretended for his nephew; and in taking the equivalent he will venture as well the resentments of the Princes of the Empire as the safety of the Circles of Franconia and Suabia.

"The Germans are no way satisfied with the project: they intend to give in their answer to it so as to consent to or make their exceptions against every article in its order. This, my Lord, is the state of our negotiation at Ryswick.

"As to what regards His Majesty's affairs in particular, my Lord Portland has had four conferences thereupon with the Marshal de Boufflers; and I have reason to think they advance in adjusting them. His Majesty with the greatest wisdom and calmness has let the French plainly understand that he will have peace or war, and does not think it expedient to protract a negotiation here which can be no way advantageous to his affairs or those of the Allies in general; and I believe this declaration will do more towards the procuring a speedy peace than all the *factums* and musty papers which can be given in to and transmitted by the Mediator here.

"It is with pleasure that I see His Majesty's affairs under Your Lordship's conduct in so fair a train in Ireland; but with equal regret at the same time, that I reflect I cannot yet be there, where my duty to Your Lordship does so particularly oblige me to be. In the favour of a letter I have had from my Lord Galway, His Lordship informs me that he has (with Your Lordship's joint consent, I presume) retrenched and regulated some of the fees which have hitherto belonged to the secretary. I take the boldness to assure Your Lordship (as I have done my Lord Galway) that, as I am, I hope, the man in the world who would not encourage extortion or injustice, so I entirely submit to any regulation which Your Lordships think proper to be made, and that I wish nothing so much as to have been on the place, that the gentlemen of the army (for it is in that part of the list that the regulation is made) might see that I very willingly declined the reception of any fees or perquisites which might

give any occasion of grievance from their being received, and that I might have made that my act, which with all imaginable respect I acquiesce in as your command.'' *Copy.* (X. 319.)

MATTHEW PRIOR to [ARTHUR] PADMORE.

1697, July 21 [-31]. Hague.—Assuring him that he will be retained at his present post in the Secretary's Office at Dublin. *Copy.*

A similar letter to [Joshua] Dawson, of the same date. (X. 321-2.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, July 31. [N.S.]. Cockleberg.—'' We reckon upon Saturday next for the day of our setting out, when we shall get to Breda the same night, and expect to have the Pensioner with us on Sunday.

'' You have an account how the French are changing their camps, which is only the more to engross the forage.

'' I shall be very glad to serve their Excellencies in any thing that may further relate to the plantations, but it is not easy to know what they would be at by their enquiries, which are too general.'' (III. 59.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, July 21 [-31]. Hague.—'' I laid the Prince of Nassau Sarburg's letter before their Excellencies.

'' Your private congress in Flanders has alarmed the Imperialists here more than another rebellion in Hungary could do their Master. They were yesterday with the English Embassy, desiring to know the result of my Lord Portland's last conference : my Masters told them it was about the King's affairs in particular, that they were in a fair way, and that His Majesty desired the Allies to think in earnest of bringing the business to a conclusion, which I think it is very evident our Imperialists never meant to do, whatever their *articulatim* way of answering may pretend to. In this very methodical way they are not yet ready, nor have done any more towards answering the French project than murmuring against it. This is the reason, Sir, why I send you no journal of what is done at Ryswick ; for except you would know that Baron Schonbourn's powers were presented by Mons. Lillieroot, delivered to Mons. Caunitz and read by Mons. Norff, there is nothing worth your being troubled with.

'' The French have named the last of August to the Mediator as the time in which the Allies should resolve to come to some fixed resolution about the project ; the Imperialists have prevailed with the Mediator not to declare it to them (at least as yet) publicly, and so plead ignorance

as to any such nomination being fixed. My Masters are going to Ryswick, where we shall hear how these matters go on. It is with the greatest comfort imaginable that we hear His Majesty's affairs are so well terminated." *Copy.* (X. 325.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, August 2. [N.S.] Hague.—"His Majesty leaves the army to-morrow, and will be at night at Breda. The Pensioner and my Lord Villiers meet His Majesty there. My Lord Portland, I have privately heard, will be here in a day or two. All this and the conferences the English and Dutch Ministry have had together (of which the enclosed give you an account) seems to say the Imperialists must be persuaded to their own interest and consent with a kind of *actio mixta*, as the Schools call it, *quae nec voluntaria nec coacta*. I do not yet know in what estate things are left in Flanders; I believe there is no truce formally agreed on, and yet a kind of tacit consent that things should remain as we call it *in statu quo*. This is but my own private conjecture; but I think everybody agrees that His Majesty's quitting the army now does as plainly denunciate a peace, as his going to the field at other times used to speak the continuance of war." *Copy.* (X. 329.)

H. MAY to MATTHEW PRIOR.

1697, July 24 [-August 3]. Dublin Castle.—"This day the Lords Justices received from thence [England] three [bills]: for prohibiting Protestants from intermarrying with Papists; for enabling the subject for distraining corn or hay for rent; and for suppressing friaries, etc.; with three private bills, which come very opportunely to employ the Parliament." (III. 54.)

J[OSHUA] DAWSON to MATTHEW PRIOR.

1697, July 24 [–August 3]. Dublin Castle.—"The military orders and commissions are the chief branch of the profits of your office, and Lord Galway has so reduced them that your yearly advantage will be far short of what other secretaries have usually enjoyed, as you will easily judge by the enclosed copy of the fees relating to the army formerly taken and now appointed. I presume this was occasioned by my Lord's having a mind to oblige the army, but I am sorry he could not think of some other way of doing it than at the expense of your office. We satisfied His Lordship by the books that the fees we take was what has been accustomed for above thirty years past, even when the Chief Secretary was allowed 500*l.* *per annum* by the King, which has for some years been discontinued. But all to no purpose; our arguments were not of force enough to prevail with His

Lordship to forbear this act of grace to the army till your arrival, which has obliged me to lay this matter before you for your taking such measures therein as shall be thought fit. If His Lordship could be influenced to suffer the former fees to be taken till you come over, I am confident your presence would readily remove all obstructions and put matters into their former method.''

Enclosing table of fees, showing the reductions made by Lord Galway.

Enclosure.

A List of the Military Fees in the Chief Secretary's Office and reduced by the Earl of Galway :—

	Ancient fees.	Reduced to
For a licence of absence to an officer of the army in the Kingdom	0*l.* 13*s.* 6*d.* ..	0*l.* 10*s.* 0*d.*
To an officer out of the Kingdom	1*l.* 6*s.* 0*d.* ..	0*l.* 15*s.* 0*d.*
To a non-commissioned officer in the Kingdom ..	0*l.* 7*s.* 6*d.* ..	0*l.* 2*s.* 6*d.*
To a non-commissioned officer out of the Kingdom	0*l.* 13*s.* 6*d.* ..	0*l.* 5*s.* 0*d.*
For a licence to sue any officer of the army or attending the State	0*l.* 13*s.* 6*d.* ..	0*l.* 5*s.* 0*d.*

Fees of Commissions signed in England and taken by the Chief Secretary in Ireland :—

Horse and Dragoons.	Ancient Fees.	Reduced to
Colonel	6*l.* 5*s.* 0*d.* ..	2*l.* 12*s.* 0*d.*
Lieutenant-Colonel ..	5*l.* 15*s.* 0*d.* ..	2*l.* 0*s.* 0*d.*
Major	4*l.* 15*s.* 0*d.* ..	2*l.* 0*s.* 0*d.*
Captain	3*l.* 2*s.* 6*d.* ..	1*l.* 10*s.* 0*d.*
Cornet	1*l.* 12*s.* 6*d.* ..	0*l.* 10*s.* 0*d.*
Staff Officers each	1*l.* 12*s.* 6*d.* ..	0*l.* 10*s.* 0*d.*
Foot Field Officers or Horse.	**Old Fees.**	**Reduced to**
Captain	2*l.* 6*s.* 0*d.* ..	1*l.* 0*s.* 0*d.*
Lieutenant	1*l.* 15*s.* 0*d* ..	0*l.* 10*s.* 0*d.*
Ensign	1*l.* 2*s.* 6*d.* ..	0*l.* 7*s.* 6*d.*
Staff Officers each	1*l.* 2*s.* 6*d.* ..	0*l.* 7*s.* 6*d.*

(III. 55.)

THE LORDS AMBASSADORS to WILLIAM III.

1697, August 10. [N.S.] Hague.—'' The Imperial Embassy represented to us in a conference on Thursday that Your Majesty having done them the honour to acquaint them by the Earl of Portland of what had passed between His Lordship and the Maréchal de Boufflers, His Lordship had intimated to them that Your Majesty would give way to the accepting an equivalent for Luxembourg. They laid down in a long discourse and with great earnestness that the consequence of such an equivalent would be the exposing the

Electors and Princes of the Rhine to all the inconveniences of a war whenever France should see occasion, and that it would tend to no less than the utter ruin of the Empire, and particularly of the Emperor; that Luxembourg is of the patrimony of the House of Austria and a fief of the Empire, and therefore cannot be alienated by the King of Spain without the consent of the Emperor, which His Imperial Majesty was so far from giving that he would never consent to sign a peace without the restitution of that place: they used many other arguments to this purpose, and added that they had always understood that His Majesty was of the opinion that Luxembourg should not upon any consideration whatever be left in the hands of the French, and that therefore they were the more surprised at this change now." *Enclosing*:—Memorial of a Deputation from the Empire on the same subject. *Copy.* (XVI. 64–5.)

J[OHN] ELLIS to MATTHEW PRIOR.

1697, August 3 [–13]. Whitehall.—"I have the favour of yours of 6th instant N.S. to acknowledge; and though all of yours are very valuable, yet this is most of all, it bringing such assurances of peace, the most acceptable thing in the world; and yet, as good as it is, it will do me a damage by depriving me of the benefit of your agreeable correspondence, for when you are in your kingdom of Ireland, the current of your correspondence will run in another channel, and we must expect but the pleasure of a few drops of it. You will have little occasion for Memoirs relating to your business there beside those your office will furnish you with; only it will be necessary that you acquaint yourself with the laws and statutes of the kingdom. One of your disposition, temper and experience will find nothing difficult there; what that people chiefly expect in a person in your post being what you will naturally practise, affability, justice and despatch. This Triple Alliance will secure you against all enemies, or rather prevent any from being so." (III. 61.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, August 16. [N.S.] Hague.—"I send you by order of my Lords Ambassadors the remarks which those of France have made upon our project and the answer which their Excellencies returned yesterday thereupon: their Excellencies desire you would be pleased to lay these papers before His Majesty, and to inform him that the French propose the having a treaty of neutrality in America according to that made by the late King James in 1686."

"As to what they advance in their 7th article concerning the possession and propriety which they pretend to have had in Hudson's Bay, their Excellencies desire you would give them what light you can in that affair, and if the matter of fact be true as they represent it, for the informations we

have had on that subject from Whitehall are very imperfect, nothing being mentioned in them concerning Hudson's Bay beyond the year 1682: their Excellencies desire you would let them know His Majesty's pleasure, how they should act upon these two points.

"As to the late King James' Queen, the French desire to have an account of her contract of marriage, what grants or Acts of Parliament were made in her favour, and would have such grants and acts confirmed in this treaty. Their Excellencies think it was not safe to make any other answer than that which they have done. If His Majesty thinks it convenient to have any thing further or more particularly answered on this point, you will please to let them know it." *Copy.* (XVI. 68.)

MATTHEW PRIOR to the MARQUIS OF WINCHESTER.

1697, August 6 [–16]. Hague.—"In my last I did myself the honour to tell Your Lordship that our Germans were alarmed lest an equivalent be accepted for Strasbourg: they are so at present and with more reason about Luxembourg for which Menin, Maubeuge, Condé, and Ypres are proposed; some add Tournay, but I think this last is rather what is wished than really expected. The Imperial ministers and those of the four Rhenish Electors are fired about this thing, and we have whole quires of remonstrances, that the Duchy of Luxemburg is inalienable from the Empire, and that the equivalent tends to nothing less than the ruin of these Princes; but His Majesty is, I think, of another opinion. The Elector of Bavaria and the States have reason to be so too; and in all probability the equivalent, which covers Ghent, Brussels and indeed all the Low Countries, and gives a double barrier to these Provinces will be preferred to a great town which asks near ten thousand men to garrison it, which the Spaniards cannot furnish, and the different Princes round it would never consent, who should or in what manner supply that defect.

"As to our affairs the French have agreed to most of the articles in the project, and given in their answer to the rest. My Lords Ambassadors have returned their opinion upon this answer, and sent to know His Majesty's pleasure in a point or two of the greatest consequence, such as their title to Hudson's Bay, and what the late King James' Queen asks for her dowry." *Copy.* (X. 331–3.)

MATTHEW PRIOR to the EARL OF GALWAY.

1697, August 6 [–16.] Hague.—Repeating the above news, and adding that the King is at Loo and the Czar of Muscovy at Nimègue: both are expected at The Hague in a few days, entertainment there being less costly than at Loo. *French. Copy.* (X. 330.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, August 6 [–16]. Hague.—"Their Excellencies desire explication first as to the point of Hudson's Bay Fort, if the matter of fact which they advance be true, or what objection we are to make to it. The Memoirs we have relating to Hudson's Bay go no higher than '82: in this we must beg the Company to be very exact.

"Secondly, their Excellencies desire you to take notice of what the French would have relating to the settlements made to the late King James' Queen; their Excellencies therefore would ask a copy of her contract of marriage, and of what grants she is possessed, and how Acts of Parliament stand as to her pretensions. Of this I have had some papers from Mr. Ellis, but neither the contract or Acts. I wish we could be full and clear in this point, though I hope the subject of it will terminate in nothing further than a civil answer." *Copy.* (X. 335.)

SIR WILLIAM TRUMBULL to WILLIAM BLATHWAYT.

1697, August 6 [–16]. Whitehall.—Having heard that application is designed to be made to the Czar, when he comes into the Low Countries, for the restitution to His Majesty's subjects of the trading privileges which they enjoyed in Charles I.'s time, he has desired the Council of Trade and the Company of Russia Merchants to furnish him with information on the subject, and the latter have promised to transmit a copy of their charters. They wish further to have liberty to import tobacco into Russia, paying a small duty thereon, for they find that "some Dutchmen have obtained a privilege of carrying tobacco into Muscovy for one year duty free;" and they believe that they would have a good share in the trade if admitted to it, since "our tobacco is much better than any the Dutch have, unless they buy it from us." *Copy.* (XVII., No. 30.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, August 19. [N.S.] Loo.—I have "acquainted His Majesty with the proposal made by the French for a neutrality in America, whereupon I send their Excellencies here enclosed the signification of His Majesty's pleasure by way of apostille in the margin of the said answer.

"His Majesty does not think a neutrality in America convenient for us, but, as the referring the consideration of such a treaty to commissioners may induce the French to give their concurrence in other things that may be desired by us, is pleased to agree to such a proposal."

Postscript.—"It is easy to suppose the French will be able to make a reply to the assertions in my paper concerning our right to Hudson's Bay, as they have done heretofore when those matters were in agitation during the late reigns." (III. 68.)

TRADERS AND INHABITANTS OF VIRGINIA AND MARYLAND to WILLIAM BLATHWAYT.

1697, August 10 [-20]. London.—Requesting his assistance in the furtherance of the objects mentioned in their enclosed petition to the King, since they know him to be "a patron of Virginia and Maryland"; pointing out the advantages of the proposed trade, and expressing a fear that the privilege granted for one year to a Dutchman may be "improved" into a monopoly. *Six signatures.*

Enclosing :—Petition from the same to the King to use his influence with the Czar to procure the removal of the prohibition of the importation of tobacco into his Empire. *Fifty-five signatures.* (XVII., No. 34.)

THE COMMISSIONERS OF TRADE AND PLANTATIONS to the LORDS JUSTICES.

1697, August 10 [-20]. Whitehall.—"We have endeavoured to procure authentic copies or extracts of the several grants of privileges made by the successive Emperors of Russia to the Company of English Merchants trading thither. But having been delayed therein for some days by those from whom we expected them, and only answered that the dates or confirmations of those grants have been in the years 1556, 1564, 1569, 1572, 1586, 1599, 1621, 1626 and 1628, we crave leave in the meanwhile, because of the pressing occasion that we conceive there may be for despatch in this matter, to annex hereunto the copies of two of the said grants made by the Emperors John Basiliwitz and Teodore Juanowitz, which we find printed in *Hackluyt's Voyages* as passed in the years 1569 and 1586.

"We have also endeavoured to procure a sight of the instructions given to the Earl of Carlisle, when he was sent Ambassador into Muscovy by King Charles II. in the year 1663 . . . . . but have not yet been able to procure it.

"Nevertheless, upon such information as we have been able by other means to obtain, we now humbly represent . . . . that the privileges thus granted consisted of three principal heads, viz. :—

"Liberty to come with their ships and vessels to any port of that Empire, from a great part whereof all other strangers were totally excluded.

"Liberty to trade within all that Empire inwards and outwards, by wholesale or retail, in what manner they pleased, without paying any manner of customs, tolls, or duties whatsoever, and even without any manner of search or examination of their goods; except only that the finer sorts were to be brought to and first opened in the Emperor's Treasury, that he might have the choice of what should be thought proper for his use and service.

"Liberty to travel in and through that whole Empire, and to reside in what places they thought fit and there to

hire houses, with exemption from taxes, and entertain Russ servants according to their occasions.

"Liberty to carry their commodities through the Russian territories into Persia and other places, and bring back their merchandise from thence through Russia to be shipped for England without paying any custom, or being liable to any manner of search either backwards or forwards.

"Several privileges in points of judicature; and the judgments in controversies between the English and Russes reserved to the Council in Moscow; or if an Englishman by that Council should be found guilty of having injured any Russ, or of other gross fault deserving the Emperor's displeasure, the cause then to be reported to the Emperor himself and by him determined.

"These with many other privileges peculiar to the English were continued till, upon occasion of the Rebellion against King Charles I., they were taken away by the Emperor then reigning: and since that time the English have continued to trade into that country under no better conditions than other foreigners, being forbidden so much as to go up to Moscow without particular license; forbidden to keep Russ servants; obliged to pay a custom of 4 or 5 per cent. for all their commodities; and subjected to many other inconveniences.

"Upon which state of those affairs we humbly offer to Your Excellencies our opinion that what seems unto us most reasonable to be proposed in this present occasion is a general restitution of all those former privileges without entering into the debate of so many particular heads. But if that cannot be so fully obtained, what we esteem of next importance is an exemption for Englishmen from customs; liberty to travel to and to reside and trade in what places they think fit; as also to transport their goods to and from Persia and other places custom free through the Russian Empire. But if this also should be refused, then a diminution of customs by reducing them to one half or one third part would, however, be some advantage. And upon refusal of that also, if it should so happen, and that no manner of privilege can be obtained for the English above other strangers, an assurance, however, that in times to come no strangers shall ever be preferred before them, but that they shall be entitled to whatsoever privileges may at any time hereafter be granted to others, is fit to be desired."

Permission to import tobacco is very important, owing to "the extent of those territories, the number of the people, and their passionate love of tobacco . . . . And this proposition . . . . may not at this time be altogether unreasonable. First, because we are informed that such a permission has been lately granted there to one Thomas Fathomrecht for the importation of tobacco during one year; which seems to us to argue that there is already some

allowance for the use of it. And in the next place we believe the ministers of that Emperor may be made sensible of the great usefulness of tobacco to soldiers in the fatigues and hardships of war, especially in a cold country, which may be an inducement to them to advise the allowance of it; and to incline them the more thereunto, we humbly conceive it also not improper to suggest to them the great advancement to be made in that Emperor's revenue by the duties that may be laid upon that commodity, which the merchants in such case will gladly submit unto." In case the former privileges should be refused, this last request should be strongly insisted on "as some sort of equivalent."

"If this permission can be obtained, though even under a higher custom than is now laid upon other goods, we humbly conceive it will tend more to the advantage of His Majesty and of England than an entire exemption in that country from all other customs whatsoever." *Signed.* J. Bridgewater; Tankerville; John Pollexfen; John Locke; Abr. Hill.

Enclosed are the copies of the Charters mentioned. [The reference to Hakluyt is (ed. 1809) Vol. I. p. 424, and p. 530.] (XVII. No. 33.)

Matthew Prior to Sir William Trumbull.

1697, August 23. [N.S.] Hague.—"Our affairs are *sur le tapis:* you will see the state of them by the enclosed papers, and this copy of a letter which I have just now written to Mr. Blathwayt may serve for a key to them. The deduction of His Majesty's rights to Hudson's Bay I had from him: it is very full and continued from the finding out those parts to the present time: the latter part of the letter is, you see, in answer only to Mr. Blathwayt's private opinion to the clause in the 7th article, which stands now,—*excepting such places as belong to His Majesty of Great Britain;* and which Mr. Blathwayt thinks might have been, *in possession of His Majesty.* In a day or two we shall, I suppose, hear what answer the French will give us, or what exceptions they will produce to what we offer.

"The Congress journal is not worth sending to you. Mons. Boreel died on Wednesday night, but the Pensioner supplying his place at Ryswick, and the negotiations being so far advanced, his death will most affect his own private family, whom he has not left, I think, in very good circumstances. The ministers meet every day, that is, such of them as have business, and the usual general meetings on Wednesdays and Saturdays continue.

"The Imperialists will not yet be moved, but necessity is more powerful than their constitution.

"You will hear by your letters immediately from His Majesty that he is still at Loo: we expect him here the next week. If the Czar pleases to honour us with a visit, His

Majesty will likewise come for a day or two, and I hope he will not be further from us than Loo till the great business is perfected.'' *Copy.* (X. 336.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, August 23. [N.S.] Hague.—Their Excellencies have acted conformably to His Majesty's orders, and have laid the enclosed papers before the Pensioner.

'' No. 1 is a Memoir for him in particular, that according to it he may act for us in what relates to the French Protestants. The reason why we only desire a promise that such of these people who are under His Majesty's protection may have liberty is because the French make no farther mention of the Irish ; which if they should do, it would be time enough then to act in it by way of treaty.

'' No. 2 is an article so worded as to give His Majesty's subjects right to whatever they can legally pretend, but will on the other side give no sort of handle to the Irish to demand any reversion of attainders or anything contrary to law.

'' No. 3 contains the pretensions of the French upon Hudson's Bay.

'' No. 4 is the deduction of His Majesty's right to it, translated from the paper you were pleased to send me, till the beginning of the present war, which their Excellencies return as an answer to No. 3. As to your remark upon the clause in the 7th article, *except such places as belong to His Majesty of Great Britain*, their Excellencies are of opinion that it should rather stand so than *in possession of*, since, if the article had been made in general terms, as it would not have been safe, the French having squadrons out, so it would have been against His Majesty's order of settling things as at the beginning of the war ; and if this exception were made particular for Hudson's Bay, it is not likely the French would have granted it : besides, their Excellencies think there was no ground to ask the thing at all but upon supposition of a preceding right, which the words *belonging to* denote.

'' Their Excellencies did likewise give the Pensioner yesterday a memorial of Duke Schomburg's [*sic*] losses and pretensions, and another of the Duchess of Hamilton's titles to the *Duchy* of Chastel-Herault, and Sir William Douglas' claim to some lands in France

'' The French have not since mentioned a treaty of neutrality or commerce : till they do, their Excellencies do not think fit to begin to start either.''

Postscript.—'' Your query upon the 5th article on the word *usages* to be added is obviated by the *Latin, per sollennes tractatus et vetustam consuetudinem.*'' *Copy.* (XVI. 74–6.)

[1697, August.]—Memoirs mentioned in the preceding letter. *French. Copies.* (XVI. 349–353.)

MATTHEW PRIOR to JAMES CRESSET.

1697, August 14 [–24]. Hague.—"I own it is a shame that I have not written to you, but so vicious our nature is that we transgress most where we presume we may be easiest pardoned. Mr. Swinfurt has been constant, which may likewise help to atone my negligence; and so much for apology.

"The great business goes on as fast as your unwieldy *corps Germanique* will let it. They are all very angry, but they know not why: the Imperialists are exclaiming against an equivalent for Luxemburg, whilst in their hearts they wish one for Strasbourg and talk as high here as if Charles I.* lived at Vienna, whilst my Lord Lexington writes me word from thence that they have neither money nor credit: but *compellantur ut veniant* will be found as true now as it was in the times of the Apostles, and they must growl on till the day they sign the peace. Our Brandenburgers are very troublesome because France does not treat with them in particular, and though we never opposed it, they lay the blame on us: they dislike the peace in general, which is the reason that they appear so angry against this particular circumstance of it, and subsidies and quotas are too good things to be left off all of a sudden without regret.

"The Spaniards and French are every day in conference: their business is very well advanced. I hear no more of any equivalent [that] will be preferred to Luxemburg. The Spanish Ambassadors here dare not consent to it before the Elector of Bavaria does, and the Elector would not take it upon himself though he desires it passionately."

Our own affairs are, God be thanked, *sur le tapis*, and though the great point was adjusted at the army there is work enough in them. "The French have insisted upon an article for Queen Marie's dowry, which in other words is for King James a pension; but nothing of this will be granted, and I hope in few days we shall have adjusted our points, except those which, relating to *marchandises*, will be referable to a treaty of commerce hereafter if the French ask the setting such a treaty on foot.

"Mr. Hill is with us. Mr. Stepney is going for England, and I hope it will not be long before I think of Ireland." *Copy.* (X. 339.)

NEGOTIATIONS WITH RUSSIA.

1697, August 26. [N.S.] Dieren.—Instructions to Pembroke, Villiers, Lexington and Williamson to welcome the Czar or his Ambassadors on their arrival at The Hague, and to endeavour to procure for the King's subjects such privileges as they formerly enjoyed, and such further privileges as they now desire; assuring the Czar of the King's strict friendship

* *I.e.*, Charles I. of Spain, the Emperor Charles V.

and his desire for mutual benefits of trade between their subjects. *Sign Manual. Signet.* (XVII. No. 35.)

MATTHEW PRIOR to [WILLIAM] AGLIONBY.

1697, August 17 [–27]. Hague.—"I should much sooner have answered yours of the 3rd if it were not for much business and sore eyes. Our own affair is *sur le tapis.* I have this afternoon transmitted our secret article: it is strong enough to confound our Jacobites. I think I had best turn it into verse and send it to Mr. Dryden, for I would fain have him enough of our side to write a panegyric upon the King, in answer to Dr. Blackmore's satire.

"We are every day at it at Ryswick, either Imperialists or Spaniards. The former are as stiff as ever, and will only come to because they must; the latter will take an equivalent for Luxemburg, and are at last so bent upon the peace that they stick at nothing but some dependencies and villages; and that I think is only to seem to have something to do till the other part of the *Augustissima Casa* let us know what they would be at.

"I have letters from Ireland that only tell me one of my Masters is married and the other rules like Titus with great virtue and without a Berenice. Your reflection upon their speech is too severe; men of their quality are not obliged to be wits, and people have not chosen kings for being so since the reign of Fleckno.

"I wish the third of my Masters were in his dominions, and so does he too. Most wise governors are of opinion things go best when they are present: the Czar perhaps may be of another mind. The Master I mentioned is very much your servant.

"Pray tell Mr. Tollet of your office that I have forwarded his letter to Mr. Howard; and throw away a line or two upon me at your leisure, to inform me how the great affairs go of politics and poetry." *Copy.* (X. 341.)

THE EARL OF GALWAY to MATTHEW PRIOR.

1697, August 19 [–29]. Au Château de Dublin.—"Mettant à part l'intérêt public, je me réjouis de l'approche de la paix par le plaisir qu'elle nous fait espérer de vous voir bientôt icy. Nous y aurions déjà bien besoin de vous, pour nous aider à surmonter les petits embarras, qui ne laissent pas de traverser, quelquefois, le cours des affaires qui sont dans le meilleur train. Mais quoy qu'il en soit, nous n'avons pas lieu de nous plaindre. Les 150,000 pièces accordées au Roy, acquitteront toutes les dettes. L'on travaille à en établir les fonds, et nous avons tout lieu d'espérer que les affaires continueront à avoir le succès que nous pouvons désirer. Hâtez-vous le plus que vous pourrez, de venir travailler avec nous, puis qu'apparemment vous n'aurez plus guère d'occupation où vous êtes. Ce sera pour moi une satisfaction particulière." *Signed.* (III. 66.)

St. George [Ashe, Bishop of] Clogher, to Matthew Prior.

1697, August 19 [-29]. Dublin.—"I am infinitely obliged to you for your favour in recommending my brother to be my Lord Villiers' chaplain, and shall endeavour by all the ways I am able to express my gratitude both to you and His Excellency. All that I here converse with have the same opinion of my Lord's goodness and integrity which you bear so advantageous a testimony to, and do long for his coming among us, not only for the happy peace which we expect he will bring with him, nor only for your good company which attends it (though these two are precious things), but also for the many advantages we propose to ourselves under his government.

"Our present session of Parliament will not furnish me with much news to send you, for we very peaceably endeavour to do the King's and the country's business, without heats or *brigues* which are usually the most fruitful topics of news and correspondence. The Commons have voted 150,000*l.* to the King (which is a very great sum for our poor country), and are now upon ways and means to raise it. We are also making some necessary laws against troublesome Papists, and such as may prevent future rebellions in this country.

"Since my last to you the King has been pleased very advantageously to change my title, but nothing shall ever alter me from being," etc. (III. 67.)

William Blathwayt to Matthew Prior.

1697, August 29. [N.S.] Dieren.—"I received the packet you enclosed to me in your letter of the 27th inst., which contained another to me with a petition to the King from the most considerable merchants of England, for the obtaining leave from the Czar that they may import tobacco into Muscovy. His Majesty is very desirous that they be gratified, and has commanded me to send those papers to their Excellencies the Lords Ambassadors to make such use of them as of those already transmitted with His Majesty's instructions as their Excellencies shall be able, the matters proposed being of the greatest consequence to the trade of England." *Signed.* (III. 73.)

The Earl of Pembroke and Lord Villiers to William III.

1697, August 30. [N.S.] Hague.—"The French promise to restore all French prisoners, fishers or others which have been taken on board of English ships, provided Your Majesty will promise to release the Irish, of which the enclosed list contains the names, which, they say, were taken on board French ships. We already have Your Majesty's directions to consent to this point. They insist to be put into possession of those forts in Hudson's Bay taken during this

war (which we excepted in the article of general restitution), but they consent to refer the right of these forts to be adjusted by commissioners: we understand by my Lord Portland that it is Your Majesty's pleasure that we should rather consent to this than retard the treaty. They still insist upon a settlement for the Queen in France, but they will be satisfied with Your Majesty's promise that we shall have her maintenance without making an article of it. As to the commandant mentioned in their remarks, they insist that he should not only be set at liberty, but have satisfaction for his pretended damages, which, they say, amount to 150,000 French *livres*. As to these two last points, though we have not Your Majesty's particular direction, yet if we are pressed to sign the treaty before we can have Your Majesty's answer, we shall venture to consent to them rather than not agree to the signing the peace.'' *Copy. List of fifty Irish prisoners subjoined.* (XVI. 77.)

J[ohn] Ellis to Matthew Prior.

1697, August 20 [–30]. Whitehall.—As to the Hudson's Bay Company, and King James' Queen's marriage settlement. "For the contract of marriage, being a private affair, and deposited in private hands, it is not to be found, though much enquiry has been made after it: and it is not thought of such moment in this business as to look longer after it . . . . The King's Counsel . . . decline meddling at all with it, it belonging to the Parliament to judge how far it is affected by the abdication. But one thing is to be taken notice of; that the settlement, properly so called and that can be accounted such in law, is only what was made when she was Duchess of York, which does not amount to 20,000*l. per annum:* all the rest was but voluntary and in the nature of a free gift; and if this be explained to the French, it is probable they will not insist upon the matter, at least not so much as if it were what it seems to be, above double that sum.''

Enclosing:—"A Memorial'' of the title of the Hudson's Bay Company, and "A State of the Settlements upon the late King James' Queen,'' together with extracts from letters patent of 1685, August 28, and King's warrants of 1685, July 25; October 26; and December 23. *Copies.* (III. 69.)

William Blathwayt to Matthew Prior.

1697, August. Loo.—"You see how ready I am to lay myself forth at their Excellencies' desire in the business of Hudson's Bay. The matter is indeed very much perplexed, which I gave you warning of, and told you how our West Indies suffered heretofore for want of information and true measures.—*Nemo poeta nascitur.* I do not see how you will get well out of the difficulty you are engaged in. There

was room for a little artifice, which the French Ambassadors and their Court would have hardly discerned, and then you would have had the applause of the merchants. We are now engaged to leave matters as they were before the war, but, thanks be to God, our American affairs are so well changed that I wish they were to be left *in statu quo nunc*, which would gain us St. Christopher's, worth a million without any probable hazard to ourselves. I can't tell if it be for the King's service that the French Ambassadors should be informed of the good news from Newfoundland, which will make them incline the more to restitutions, which is not to our advantage at present." (III. 70.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Sept. 2. [N.S.] Hague.—"The enclosed paper is the sum and substance of yesterday's conference at Ryswick, and our Imperialists have twenty days more to digest an equivalent for Strasbourg. They have met this morning the ministers of the other princes of the Empire: they are all railing at a project which they must accept at last.

"Our own affairs are *in statu quo;* and after all the hurry we were in we shall have but too much time before the signing.

"I have laid before their Excellencies the merchants' petition for obtaining leave to import tobacco into Muscovy, as I had before done those other papers relating to the same subject. I do not know when the Czar or his Embassy will come hither. Mr. Stepney is gone to Amsterdam, I think, to fetch him." *Copy. Enclosing the French Mémoire.* (XVI. 81.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Sept. 3. [N.S.] Hague.—"We thought we were near a conclusion of the affair on Saturday night, but the Imperialists let the time slip, and the French, being at liberty from the engagements they were under, proposed these new conditions, and as you see with a cavalier freedom. I know not what the Empire will say to this, but I believe the Emperor would rather have the equivalent, and is secretly not sorry that there is a seeming force upon him to take it. However his inclinations are swayed in this point, His Majesty is against the equivalent, and as by this conduct he shows his dislike to the French way of negotiating, so he conserves his glory of standing by his allies. I hope their own wilful humour will not on the other side abuse his generosity, and that means will be found to bring us to a conclusion of the whole affair without any other loss than that of a fortnight or three weeks.

"My Lord Portland is here and labours with indefatigable diligence and great prudence in this affair. You see, Sir, how delicate it is: we cannot leave our Imperialists, nor

be seen in persuading them to close with this proposition, and yet the conclusion or the breaking off this negotiation depends upon it. Our own affairs are in a manner agreed on; the right of Hudson's Bay will be referred to commissioners; our agents, therefore, will come too late for any but laying their rights before such commissioners when they shall be named, and as to the settlements made to King James' Queen, I hope we shall not have so much occasion for them as we were afraid we might have had, and that the French will [be] or are satisfied with a verbal promise from His Majesty for something in her favour." *Copy.* (X. 343.)

MATTHEW PRIOR to ———.

1697, Sept. 6. [N.S.] Hague.—"Since Sunday everything relating to our Congress has been in so dead a stillness that the prospect of it is melancholy enough in appearance, for I do not see that the French will be brought off so as to restore Strasbourg; and all my hopes of having the thing go down the other way are founded upon my believing that the Emperor does in secret prefer the equivalent, and thinks this sort of extremity the only way will bring the Princes of the Rhine to consent to it, though my Lord Ambassador Pembroke has told the Congress in the King's name that His Majesty will have Strasbourg restored. I hope there are temperaments and means found to bring us from our constancy if the thing cannot be fairly brought about, and that this one demanded town, which no way concerns us, will [not] have influence enough to engage us to prolong a war. The Mediator is labouring under hand in this affair; we have no new orders concerning it from Loo, so I dare not trouble you with uncertainties or with my own hopes or fears in it." *Copy.* (X. 345.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Sept. 7. [N.S.] Hague.—"The Mediator is frequently in new conferences on all sides; if he has had any success, we shall hear of it this afternoon, though indeed I very much doubt of it. My Lord Portland is here: God knows what they are doing; I hope nothing that may venture us in the least to an uncertainty, for I confess to you I am a coward in this point, and if the Emperor has more mind to the equivalent, though he dare not say so, than to Strasbourg, in God's Name let him have it rather than look [lug] us again into the war, which is what we [he] had rather do than have either Strasbourg or the equivalent. This I know is blasphemy to friend Stepney, to whom I dare not say as much, though he be writing in the room with me. All things being at a stand; I can only say that the Hudson's Bay agents and memoirs shall have all the help I can give them when the allies treat with the French, and the negotiation is on its feet again." *Copy.* (X. 348.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, Sept. 9. [N.S.] Loo.—His Majesty directs their Excellències to endeavour that the Comte de Soissons may be included in the treaty of peace with the French if practicable, and to discourse with the Président de la Tour in order to secure his assistance for such a purpose. *Signed. Enclosing the following letter.* (III. 76.)

Enclosure.

THOMAS DE SAVOYE, COMTE DE SOISSONS, to LORD VILLIERS,

1697, August 19. [N.S.] Milan.—"La fièvre m'empêchera, Monsieur, de vous écrire une longue lettre, et particulièrement dans la certitude où je suis que vous aurez des ordres sur mon chapitre, je vous conjure seulement de vous souvenir que vous m'avez fait l'honneur de me promettre votre amitié, et que si je ne suis compris dans la paix que vous travaillez à conclure par un article particulier qui me fasse remettre dans le même état ou j'étois en sortant de France, je suis absolument perdu." *Copy.* (III. 77.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Sept. 10. [N.S.] Hague.—"I know I should not trouble you with the common news which Mr. Ellis lays before you, but probably this may find you at Easthampstead, and this may serve me for an excuse. You see, Sir, we are not so far from the 20th but that one might reasonably expect a definitive resolution as to the great affair against the time. My Lord Portland came hither on Saturday, and after a long conference with the Pensioner went on Sunday morning in great secrecy towards Brussels. As well his servants as people here of greater mark gave out that his coming hither was to order things for the Muscovitish Embassy, and that he returned to the King; but he went again to Flanders, and the design of his voyage is to confer again with the Marshal de Boufflers.

"As far as I can judge of the state of the whole affair, as on one side it would be hard enough to bring France back to the restoring Strasbourg, since Barcelona is taken and consequently Spain mad for the peace on any terms, so on the other side I see it would be impossible to satisfy the Germans if the French were brought back to the preliminaries. I believe what we are endeavouring is to get the equivalent a little bettered; this seems the easier to both parties, and if they could get the French to propose it, I think we should shake hands.

"Mons. de la Tour in a visit to the Mediator on Sunday talked upon this subject, but only as from himself, and as his private opinion. I wish Mons. de Boufflers and my Lord Portland may agree it, for there will nothing be done with our Germans here.

"Mr. Blathwayt has transferred to me the papers he has received from Your Honour relating to our Muscovite trade. which I lay before the Lords Ambassadors, who have a commission to treat with the Czarish Embassy on this subject, and procure all possible advantages for our merchants to trade to those parts." *Copy.* (X. 349.)

MATTHEW PRIOR to JOHN ELLIS.

1697, Sept. 10. [N.S.] Hague.—"The negotiation in general is at present at a stand. God send it may move again before Saturday sennight so as to roll into a peace. If not, my being torn into pieces (as yours of the 27th past intimates I must be) is but the least part of the grievance. *Dii meliora!*

"The Jersey men and whosoever else are to be helped by a treaty of commerce will only be set in a way in being so by us, but they and all good subjects shall have my assistance as far as my poor mite may contribute to their good. I hope for all this we shall have our peace. My Lord Portland is gone again to Brussels, but since this is a great secret here, pray let it be so on your side unless you hear it from other hands." *Copy.* (X. 351.)

WILLIAM BLATHWAYT to MATTHEW PRIOR

1697, Sept. 12. [N.S.] Soestdyke.—"His Majesty having received the enclosed letter from the City and Republic of Bremen, and having a particular regard to their behaviour on all occasions, is pleased to order their Excellencies the Lords Ambassadors to do what in them lies to gratify this city in what they desire, or in such other manner with relation to the general treaty as may be most practicable." (III. 80.)

Enclosure.

THE FREE CITY OF BREMEN to WILLIAM III.

1697, August 25. [N.S.?] Bremen.—Congratulating him on his successes in the war and his endeavours to bring about a peace, and praying him to continue his past favours to the republic by including it specifically among the powers that are to reap the benefits of the general treaty of peace. *Latin. Great seal of the city.* (XVII., No. 37.)

MATTHEW PRIOR to the MARQUIS OF WINCHESTER.

1697, Sept. 13. [N.S.] Hague.—"I do not see it probable that the Imperialists will come to a determination within the time prescribed, nor do I think France will recant a step so formally made as that of the 1st instant, the retention of Strasbourg for the equivalent, which (all considerations weighed) may be found equally valuable, being all that King requires for his expense and loss before Barcelona. If the equivalent were made better, there might probably be found some way of closing with it.

"My Lord Portland is gone privately to Brussels to confer again with the Mons. de Boufflers. I believe I am not mistaken if I say some proposal of this kind may be made in the interview, but I am not sure of it, nor say it but to Your Lordship. The Imperialists seem inflexible upon the terms as they now are offered them, but they would be equally so if those terms were better, and the best we can expect from them is that they must be at last (in appearance) forced; for it is sure they like the equivalent best, though they dare not say so to the rest of the Germans.

"My Lord Villiers is gone to the King at Soesdyck to have his orders as to the formal part of something in our treaty, that at least we may be ready when the negotiation, which seems at present dead, may have life again.

"The King has seen the Czar of Muscovy *incognito* at Utrecht. The immediate use we endeavour to make of him is that he would allow tobacco to be imported into his dominions, which has been forbid since the year '48. His own inclinations oblige him to carry on a war with the Turk, and for that purpose to get a fleet ready for the Black Sea. He is absolutely against the French, and that aversion may contribute a good deal towards settling the crown of Poland upon the Elector of Saxony.

"The Prince of Conti is parted from Dunkirk, we say, with a squadron of John de Bart's commanding from Dunkirk, though I have seen good advices from France which say he is gone privately by land, and that only his followers are embarked *pour sauver les apparences.* It is certain his party is stronger than was thought, and that the Elector wants money, the needful qualifications towards succeeding in a Polish Diet." *Copy.* (X. 353.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Sept. 13. [N.S.] Hague.—"The letter to Mr. Ellis relates the interview the King has had with the Czar. His Majesty is very well pleased with him and invited him to dinner: the Czar, it seems, thought it civilest to accept the invitation, and sent afterwards to get himself excused." *Copy.* (X. 359.)

TREATY OF RYSWICK.

Hüningen.

[1697, Sept.]—Memoir: proposing the total demolition of Hüningen as in the interest alike of the Empire, the Protestant Cantons of Switzerland, and the King of Great Britain. (XVII., No. 41.)

French Protestants.

1697, Sept.—Memoir by the Ambassadors of the Allies pleading for toleration for French Protestants, and the liberation of such as are in prison on the galleys on account of religion. *Long list of names. Copy.*

Also: Recommendation to their Excellencies' protection of four Protestant ministers in prison on account of their religion in the castle of Vincennes. *Four names, to wit*: Maturin, Cardell, La Bastide, Giury, Gerault, Salvé. *Copy. French.* (XVII., Nos. 42, 43.)

J[ohn] Ellis to Matthew Prior.

1697, Sept. 3 [–13]. Whitehall.—"What you tell me of my Lord Portland's journey is, as you desire it should be, a secret. I wish him success and am glad to find that you are still of opinion we shall yet have peace."

"We have got our friend Mr Stepney safe and sound. He had as quick a passage as if the wind had known how to make a compliment to a Commissioner of Trade. He has invited me to a bottle of burgundy, where 'tis a 1000 to one but we shall remember you." (III. 75.)

Matthew Prior to William Blathwayt.

1697, Sept. 4–14. Hague.—"There was nothing done at our Congress on Wednesday, but all stands in a melancholy stillness. I hope my Lord Portland's return will put some life into us; His Lordship is expected here to-day; my Lord Villiers' coach is gone for him to Rotterdam. My Lord Villiers, or rather the Earl of Jersey (for such it seems you have made him), returned last night; I presume His Lordship has brought the Embassy His Majesty's opinion and orders as to the points yet undecided in our treaty, for though at present all seems to be broken off, it is very necessary we should know how to behave ourselves in case things come again to be treated, since Friday will soon be here. I lay the letter from the City of Bremen, which I receive with your favour of the 12th, before their Excellencies, as I do the substance of your letter of the 10th. My Lord Villiers has His Majesty's verbal directions likewise as to Count Soissons' affair.

"Sir Joseph has been laid up with a kind of gout that makes him complain very much, and eat very excessively: he intends to get out to-day, and then our Embassy may make a figure again, but it has been much lessened by Sir Joseph's sickness and Lord Villiers' absence. Your Flanders letters will have told you that the Prince of Conti went from Dunkirk the 6th. Some of our refined politicians say he is gone privately by land; it is certain this Prince has carried a good sum of money with him, and that his competitor has none left. Mons. Bosen was so impatient for the letter from the King to his master that he had not patience to wait for my Lord Villiers coming home, but obliged me to open His Lordship's packet, in which you had sent the letter enclosed. I suppose he thought it best to take the King at his word as to the naming of his master King of Poland.

Multa cadunt inter calicem supremaque labra, and one loves mightily to be called King, when one does not know how soon one may cease to be such. Pointi[s] has brought home after all but eight millions French, and above half his equipage are dead and sick." *Copy.* (X. 360.)

Treaty of Ryswick.

Geneva.

[1697, Sept.]—Memorial urging that the Republic of Geneva should be specifically named in the general treaty of peace, as being allied only to the Cantons of Bern and Zürich, and therefore not included among the Allies of the Thirteen Cantons. Referring to the declarations made after the Peace of Vervins in 1599 and the Agreement of Lyon in 1601, in evidence that Geneva is not to be understood as an ally of the Thirteen Cantons. Suggesting further the removal of the French Resident at Geneva, who is there for no other purpose than "to debauch the citizens by his cabals and intrigues, to alienate them from the fealty and obedience due to their sovereign, and to establish Papacy among them, seeing that otherwise it is sufficient to have an Ambassador in Switzerland. It is only a few years since it was thought fit to keep a Resident at Geneva." If France will not consent to his removal, it is to be feared that other Powers may also wish to send Residents thither, and that the presence of so many ministers in one city may cause some embroilment likely to involve the Cantons in war. *French.* (XVII., No. 12.)

The Lords Ambassadors to William III.

1697, Sept. 17. [N.S.] Hague.—Enclosing a paper relating to the late Queen, and desiring to know if His Majesty approves of its form.

"The French Ambassadors will oblige themselves by an act at the signing the Treaty to procure a *pleinpouvoir* before the exchange of the ratification to treat distinctly with Your Majesty: so the preamble will stand as is usual in the ordinary forms of treaties. The business of Hudson's Bay being to be referred to commissioners, we think to propose London as the place, but since probably the French may except against it, we presume we may agree to The Hague as a neutral place, unless we have Your Majesty's directions to the contrary.

"The article which contains who shall be comprehended in the treaty is in general terms as usual. The towns of Bremen and Geneva have desired to be inserted by name. We are humbly of opinion that they may be included in the article as it stands now in general terms, except a specification were to be made of princes or states of a more considerable rank." *Copy.* (XVI. 92.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Sept 17. [N.S.] Hague.—"I hope we shall satisfy our Hudson's Bay gentlemen by referring their affair to commissioners. We are drawing up an article to that purpose for the French to agree to to-morrow."

"Your town of Bremen and Sir William Trumbull's of Geneva are not worth specifying in our article any otherwise than in general terms; if you have any Kingdoms or States *pour faire figure*, pray let us have them: though I think (with Sir Joseph's leave) there is nothing but compliment and show in all that, and a treaty stands firm enough that comprehends the King and his subjects

"Mons. Bosen plagues my heart out for a copy of the King's letter to his master. Pray, Sir, let Mr. Watkins send it, if you would not have me thought of Conti's party. You will have the Suabians and Franconians upon you before this letter. It is as easy to square a Circle as to content one." *Copy.*

Memorandum.—"I went from The Hague the 20th September, 1697, for England, and returned to The Hague the 28." (X. 362.)

QUEEN MARY OF MODENA'S DOWRY.

1697, Sept. 17. [N.S.] Loo.—Instructions under the Signet to Pembroke, Villiers, Lexington and Williamson not to give the Royal promise to make good the late Queen's maintenance and dowry as stipulated by her contract of marriage, (the said maintenance and dowry being recoverable by law), unless they find such a refusal to be a plain obstruction to the conclusion of the treaty: in which case such a promise may be made for the Queen's life, provided that the French Ambassadors will engage on behalf of their King that the said Queen Mary "shall not during the time of her enjoying such maintenance or dowry any ways act, abet or contrive any mischief or prejudice" to King William or his Government; which engagement and counter-engagement may take the form of a secret article, if the French Ambassadors so insist.

Signet. Signed, but not countersigned.

Also: Royal approval of the form of declaration concerning the same enclosed in the Ambassadors' letter of September 17. [N.S.] Dated September 18. [N.S.] *Signet. Signed, but not countersigned.* (XVII., Nos. 38, 39.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, Sept. 19. [N.S.] Loo.—"This day the Baron Saffig and Mons. Culpis waited on His Majesty by direction from the Deputies of the Empire, and the latter having amongst other things prayed His Majesty to afford his protection, as far as may be, to the Protestants of Strasbourg upon the

cession of that place to the French, and that endeavours may be used by their Excellencies the Lords Ambassadors in concert with the Pensioner for the obtaining from the French the free exercise of their religion, or at least that they may be permitted to sell their goods and estates and retire peaceably into other parts of the Empire, His Majesty, being graciously inclined to grant their request, as far as may be feasible, is pleased to order their Excellencies to confer with the Pensioner on this particular.'' (III. 85.)

Treaty of Ryswick. Secret Article.

1697, [Sept.] — '' Et comme l'intention du Roy très Chrétien a tousjours esté de rendre la paix ferme et solide, Sa Majesté s'engage et promet, pour elle et ses successeurs Roys de France, de ne troubler, ni inquiéter en quelque façon que ce soit, le Roy de la Grande Bretagne dans la possession des royaumes, pays, estats, terres ou gouvernements dont Sa Majesté Britannique jouit présentement, donnant pour cet effet sa parole royale de n'assister directement ou indirectement auquuns des ennemis du dit Roy de la Grande Bretagne, de ne favoriser, en quelque manière que ce soit, les cabales, menées secrettes et rebellions qui pourroient survenir en Angleterre, et par conséquent de n'ayder, sans aucune exception ni réserve, d'armes, des munitions, vivres, vaisseaux, argent ou d'autres choses, par mer ou par terre, personne, qui que ce puisse estre, qui prétendroit troubler le dit Roy de la Grande Bretagne dans la paisible possession des dits royaumes, pays, estats, terres ou gouvernements sous quelque prétexte que ce soit ; comme aussy le Roy de la Grande Bretagne promet et s'engage de son costé de même inviolablement pour soy et ses successeurs Roys de la Grande Bretagne à l'égard du Roy très Chrétien, ses royaumes, pays, estats et terres de son obéissance, réciproquement, sans aucune exception ni réserve.''

Endorsed : Original as it came from the Pensioner (XVII., No. 18.)

Treaty of Ryswick.

Extraits du Protocole de la Mediation.

1697, Sept. 10–20.—'' Leurs Excellences Messieurs les Ambassadeurs de Sa Majesté Britannique ont déclaré que le Roy leur Maître a promis de donner la liberté aux Irlandois pris sur des vaisseaux François, dont la liste est icy jointe.''

List of fifty names. Copy. (XVII., No. 40.)

Same date. '' Leurs Excellences Messieurs les Ambassadeurs de Sa Majesté très Chrétienne ont déclaré que, s'il se trouve que le Traitté qui a été fait et signé à Breda ne soit point en François, alors ils s'engagent qu'au lieu de celuy qu'ils ont signé à présent en François ils en fourniront un autre en Latin avant la ratification.

"Ils promettent de relâcher les Protestans François qui ont été pris sur des vaisseaux Anglois ; comme aussi de remettre en liberté les quatre ministres d'Orange."

Signed : N. Lillieroot ; *and sealed.* (XVII., No. 46.)

QUEEN MARY OF MODENA'S DOWRY.

1697, Sept. 20. [N.S.] Ryswick.—"Messieurs les Ambassadeurs du Roy d'Angleterre ont déclaré que le Roy leur Maître a promis que la pension annuelle d'environ cinquante mille livres sterlin, ou de telle somme quelle se trouvera établie par Acte du Parlement scellé du grand sceau d'Angleterre en faveur de la Reine Marie d'Este, sera payée à l'avenir conformément au dit acte, et qu'ils consentent que Mons. L'Ambassadeur Médiateur le fasse insérer dans son protocole, et en donne copie authentique à Messieurs les Ambassadeurs de France, en présence desquels, ainsi que de Messieurs les Ambassadeurs des Etats Généraux, la dite déclaration a ét faite." (XVII., No. 45.)

TREATY OF RYSWICK.

1697, Sept. 20. [N.S.] R swick. — "Minutes of the treaty (original) as signed by their Excellencies :" *and* "the Separate Article also signed by their Excellencies" at the same time. *Latin. Seals and signatures of the Earl of Pembroke, Lord Villiers, and Sir Joseph Williamson.*

Also : Duplicate of the treaty (original). *Latin. Seals and signatures of the same persons, and of N. A. Harlay-Bonneuil, Verjus de Crécy, F. de Callières, N. Lillieroot.* (XVII., Nos. 47, 48, 49.)

THE LORDS AMBASSADORS to WILLIAM III.

1697, Sept. 20–21. [N.S.] "At 3 in the morning." Ryswick.—"Till we can give Your Majesty a more particular account, we presume that we ought not to defer one moment the letting Your Majesty know that we have signed the Treaty with the French. The Spaniards and Dutch have done the same. We wish it may be long and successful to Your Majesty." *Copy.*

Similar letters from THE SAME to PRINCE VAUDEMONT (*French*), and the LORDS JUSTICES OF ENGLAND. *Copies.* (XVI. 100-102.)

TREATY OF RYSWICK.

1697, Sept. 21. [N.S.] Loo.—Declaration by William III. of his approval of the treaty signed by the English and French plenipotentiaries on the previous day, and of his intention that it shall be duly ratified under the Great Seal, and to use his good offices to procure the ratification of the treaties with France signed by the Ambassadors of the King of Spain and of the States General, on condition that the

King of France be pleased to withdraw his troops from the territories of the King of Spain, whether in Flanders or in Catalonia. *French. Signet. Signed, but not countersigned. Copy.*

Also : first draft of the above "as drawn up by the French secretary, and corrected by the Pensioner." *French.*

Also : second draft of the same, with further corrections in the Pensioner's hand. *French.* (XVII., No. 44.)

JAMES VERNON to the LORDS AMBASSADORS.

1697, Sept. 16 [–26]. Whitehall.—"The Lords Justices command me to acknowledge the receipt of Your Excellencies' letter sent by Mr. Prior, and to acquaint you in their names with the entire satisfaction they receive in the happy conclusion of the Treaty of Peace by Your Excellencies successful endeavours.

"Their Excellencies have found it necessary immediately to dispatch Mr. Prior, that you may know their thoughts, that it will not only be a gaining of time if the form of the ratification be proposed and engrossed there, and then be sent hither ready signed by His Majesty with his warrant for affixing the Great Seal thereto, but Your Excellencies will likewise be the best judges what that form should be and in what terms drawn up, such as may be most proper to the occasion, and prevent any exceptions that might otherwise be taken, which their Excellencies have likewise laid before His Majesty." (III. 81.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1697, Sept. 17 [–27]. Whitehall.—I am by command of Mr. Chancellor of the Exchequer to acquaint you that "this morning there came a letter to our Board from Mr. Vernon, signifying the pleasure of the Lords Justices that you should have two hundred guineas for the glad tidings of peace which you brought, and our Lords to shew they would not be behindhand with their Excellencies upon such an extraordinary occasion have ordered it to be paid out of secret service money, which you will receive without fees. The cash is a little low, but I believe I shall have it before you can draw any bill on me. I hope this will find you well in Holland." (VIII. 251.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Oct. 1. [N.S.] Hague.—"I arrived in Holland on Saturday, and had yesterday the honour of your letter of the 17th. At my coming hither I found that according (as I think) to Mr. Blathwayt's method, there was a copy of the treaty sent by the packet that was to carry the letters of this day sennight together with a warrant, that it might be engrossed and have the Broad Seal set to it on your side,

and so be returned for the King to sign it here. The duplicate of it is likewise sent by the royal transport, so that I hope for all these contrary winds one or t'other has reached you some time before you receive this letter. I known ot if Mr. Blathwayt has sent a form of ratification with the treaty. I presume he has not. Their Excellencies the Lords Ambassadors think the easiest and simplest form the best: if I might add my sentiments I would have that which we used at Breda looked for again, or at least some other which England has already had in treaty with France. I need not put Mr. Ellis in mind the seal must be in a silver box. In some discourse I had the honour to hold with you at Whitehall I told you that the French drew up their part of the treaty (*i.e.*, that instrument or part which they retain signed by both parties) in French, as the part or instrument which we retain signed by both parties is in Latin: they allege custom for this, and give us for precedent, that the same thing was done at Breda; they have declared, however, to the Mediator that if it be not found to be as they aver, they will withdraw the instrument already signed, and furnish another in Latin before the ratification. Sir Joseph Williamson cannot resolve our doubt; I wish any deputy he has left in his Paper Office may be able to do it, and must beg you to give order that we may have light into this business, if possible: which one would think one should not want in a country so politic and knowing as England, in a treaty so very modern as this instanced in. I find we have done nothing more in these Provinces towards the demonstration of a peace than the signing it; there has been no other publication of it than what the *Gazettes* make, and no other joy than that which everybody has in his own family and at his own charge. I believe His Majesty will write to the Lords Regents what is to be done on this occasion; and when and where anything passes here relating to that matter I shall (as my duty requires) most humbly advise you of it. I have sent Dubreuil your present to rejoice his poor spirits, and retain him on our side. I shall see the man in a day or two. Be pleased in the next you honour me with to specify to me the pension you intend him, for in the mass of things I then had confused in my head I do not know if I rightly understood you, so I shall only assure him of your kindness to him without naming the particular sum." *Copy.* (X. 369.)

MATTHEW PRIOR to the MARQUIS OF WINCHESTER.

1697, Oct. 1. [N.S.] Hague.—"Nothing should have made me neglect telling Your Excellency sooner that my Lords Ambassadors signed a treaty with France the 20th, but my having been sent from hence immediately to the Lords Justices of England, and being hurried thence in twenty-four hours' time to look to the ratification being sent over for the Broad Seal; so that in less than eight days I was at

London and back again here. The Emperor and Empire have till the 5th of November allowed them to come in, and I think are resolved so to do whatever mien they may make to the contrary. Mr. Vernon (as I have desired him) will send Your Excellency a copy of the treaty as by the Lords Justices' order it is to be printed in England; and God be thanked for the conjuncture that lets us see a peace again after the hardships of a war of such duration." *Copy.* (X. 373.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 3. [N.S.] Hague.—"I am commanded to inform you that in the article of our treaty, of which I send you enclosed the copy, the Brandenbourg Ambassadors think that *Celsissimum Electorem* is not as much as England has sometime given to their master; they desire His Majesty would consent to have *Serenissimum* inserted in the instrument which is to be ratified, and that a warrant may be despatched into England for that purpose; this, Sir, I am to advise you of, though (to say the truth on't) we do not yet know if the French would consent to the change, though His Majesty did agree to it. As to the thing itself you see, Sir, that the Latin answers to *Son Altesse Electorale* of the French, from whence it was translated, and so it stands in the Dutch treaty; and you know, Sir, better than any man how we give them *Serenissimus, i.e.*, in a direction or title joined to *Princeps;* but in the body of an article, where the Elector is named in the third person, I do not see that the epithet is of such weight, and if it had been said plainly *Electorem*, provided one knew of whom it was spoken, it is (in my poor opinion) sufficient: thus we say *Imperatorem* in the Separate Article and *Regem Christianissimum*, but this is only my sentiments and I leave (as I ought to do) the decision of the matter to my superiors. I wish the gentlemen were satisfied since one word can make them so."

"God send we may get the ratification over before the twenty days be elapsed." *Copy.* (X. 374.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, Oct. 3. [N.S.] Loo.—"It being agreed by the 10th Article of the treaty between us and the French that the peace is to take place at sea within the Channel after twelve days from the signing and publication thereof, as elsewhere according to the several terms prescribed, which twelve days being now expired from the time of signing the said treaty, but it yet remaining doubtful what is meant by the publication of it, His Majesty commands me to mention the same to their Excellencies the Lords Ambassadors, that the meaning of those words may be explained as far as may be, and if it be necessary by conference with the French Ambassadors, and that their Excellencies do thereupon give

notice of the agreed sense of this Article in England and elsewhere to prevent the great contests and inconveniences that may happen upon the doubtfulness of it.'' (III. 90.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 5. [N.S.] Hague.—'' My Lords Ambassadors, in a conference this afternoon at Ryswick with those of France, agreed that the time for the peace taking place at sea within the Channel, etc., should be understood to begin twelve days after the 20th past, *i.e.*, after the signing the treaty, and the same to be understood in proportion for the other seas more distant. Mons. Harlay alleged, that since this explication of the words was agreed on this day only, which is the 15th after the signing, if anything should have happened to be taken since the expiration of the twelve days, (*i.e.*, from Thursday morning till now), it should be supposed to be taken in war: their Excellencies answered, however, that in case anything should be taken from thence to this day, (*i.e.*, in these two days) they expected that means might be used to obtain its restitution, though they did not much insist upon it, since this difference cannot be very considerable, and very probably is not any.

'' Their Excellencies likewise agreed with the French that the prisoners, which were on both sides to have their liberty, should be immediately released without any further notification to be expected or given from either party.

'' The French Embassy have promised to signify these two things to their Court this night. Their Excellencies will likewise let the Lords Justices know on Tuesday what they have done hereupon. All orders upon these points being to come immediately from the King, their Excellencies desire you to lay the substance of this letter before His Majesty, that from his pleasure sent into England directions may be given to the Admiralty, and whatever courts or jurisdiction may be concerned in these matters.

'' You see, Sir, by the enclosed resolution which the States took on Thursday, what they do on this occasion in their marine affairs.

'' The Muscovite Embassy had their audience this morning; they and their train were very magnificent; the Czar was there *incognito*.'' *Copy.* (X. 378.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, October 5. [N.S.] Loo.—'' His Majesty is pleased to take notice that the ratification of the . . . treaty which is expected from England may not with any probability arrive here early enough to be exchanged within the time prescribed by the treaty, for which reason His Majesty, being desirous to obviate as much as may be any objections that may be made by the French, or inconvenience that may happen by the want of a ratification, does think fit that an

instrument of ratification be prepared on this side and passed under the signet instead of the Great Seal of England; which the French Ambassadors may be satisfied with at least until the arrival of the other; whereupon His Majesty is pleased to order their Excellencies the Lords Ambassadors forthwith to prepare such a form of ratification as their Excellencies shall judge most suitable and fitting, with this difference, that instead of the words *Magno Angliae sigillo communiri jussimus*, or words to that effect, this expression be used, *Sigillo nostro communiri jussimus*; which seal or signet has upon many occasions been taken as sufficient in ratifications, and, as it is hoped, may well enough answer the 17th Article of the said treaty in consideration of His Majesty being on this side, and the tempestuous weather that has happened since the time of signing."

Postscript.—"There is no doubt but the Elector of Brandenburg has a right to the title of *Serenissimus* from the King in all Latin instruments." (III. 92.)

William Blathwayt to Matthew Prior.

1697, Oct. 6. [N.S.] Loo.—"We have certain news from Newfoundland that Mons. de Nesmond with a squadron of near twenty men-of-war was not only arrived there, but gone with his ships to the harbour of St. John's, where we have at present eight men-of-war under the command of Captain Norris, besides Colonel Gibson's regiment of foot: and we do further understand (as it is very probable) that the French, not being able to force their entrance into the port, and being informed that our fleet and land men would be soon in want of provisions, were resolved to lie before the place so long as to starve our people by intercepting the convoy of provisions that they hear is going thither. This is the news we have from these parts, and the situation of Newfoundland being such that it may most properly be comprehended within the second term of the 10th Article, viz., of the peace taking place there within six weeks, notwithstanding which it may perhaps so fall out that after the expiration of that term Mons. de Nesmond may not be acquainted with the treaty, His Majesty judges that the French Ambassadors cannot well refuse giving their Excellencies an Act or Declaration under their hands, such a one as passed at the Treaty of Breda, or any other to the same effect, certifying the conclusion of the Peace between the King and His most Christian Majesty, with the commencement of it within the several distances agreed on by the 10th Article of the late treaty, which Act or Declaration His Majesty does think fit their Excellencies the Lords Ambassadors should desire from those of France, and upon obtaining the same do send it with a duplicate into England, where orders will be given for one or more vessels, which may likewise have provisions on board, to be dispatched

immediately to Newfoundland, not only thereby to oblige Mons. Nesmond to desist from his enterprise, in case he should happen to stay so long upon that coast, but to carry the necessary provisions to our fleet and land forces, of which the latter will most certainly be in very great want, though the former should be come away. This being a matter of so very great importance to us and no more than we may reasonably demand of the French, though indeed it be not likely that Mons. Nesmond will stay so long in Newfoundland by reason of the bad weather and fogs that are usual there towards the winter, His Majesty would have their Excellencies lose no time in proceeding therein according to the directions above mentioned, it being not requisite that any further mention be made to the French Ambassadors of the occasion of our asking this attestation from them, than that it is in order to the due notifying of the peace and for preventing of further hostilities in those parts.

"I am likewise obliged to you for the Resolution of the States relating to their Marine affairs; which being very advantageous to them, and His Majesty having been pleased to tell me that the French were equally disposed to gratify us in the same particulars, there is no doubt but their Excellencies will be no less successful in our own matters of the same nature, since the obtaining of passes for all ships, or at least for such as are going out in any voyage beyond the Cape St. Vincent, will be very useful to us, as His Majesty will be ready to grant the like to the French upon their request."

Postscript.—"It would be much better if a pass or passes could be obtained from the French for the ship or ships that shall carry the news of the Peace to Newfoundland and to other parts of America.

"I have had fresh solicitations from England in reference to the settling a trade with Muscovy." *Signed.* (III. 95.)

William Blathwayt to Matthew Prior.

1697, Oct. 7. [N.S.] Loo.—"His Majesty has given me directions to signify his pleasure to the Lords Justices in England for the release of all prisoners, which are on that side to have their liberty as ours in France are to be dealt with in the same manner according to the agreement made with their Ambassadors. There remains nothing unanswered from hence."

Postscript.—"His Majesty would be glad that the Elector of Brandebourg were gratified in the title he desires." *Signed. Copy.* (III. 96.)

1697, Sept. 28 [–Oct 8.] Loo.—Instruments of ratification of the Treaty of Ryswick and the Separate Article. *Latin. Signet. Sign manual. Countersigned* by Blathwayt.

[Full text printed in *Actes et Mémoires des négociations de la Paix de Ryswick*, 2nd edn. vol. iii., pp. 176–189.] (XVII., Nos. 50-51.)

J[OHN] ELLIS to MATTHEW PRIOR.

1697, Sept. 28 [–Oct. 8]. Whitehall. — "Mr Secretary, being in the country, directs me to acknowledge yours to him of 1 Oct. [N.S.], wherein you give good advice concerning the ratification of the treaty of peace in the same form as that of Breda was, if the copy had come in any convenient time to our hands: but having not received it till Sunday morning last, all we could do was to despatch it *de bene esse*, as soon as possible. The preamble is as simple, I think, as anything of that kind could be, and as little liable to exceptions; but for precedents, there was no time to consult them, the Lords Justices pressing the despatch of the two instruments, that they might be put under the Great Seal and sent away on Sunday night, as they were by ten at night, one to Harwich, the other to the Downs, where two frigates were ordered to transport the messengers; which, I fear, they have not been able to do, the wind having been for several days at N.E.

"My Lord Ambassador Villiers is likewise pleased to put us in mind of a thing which was omitted on the foresaid consideration of saving all the time that possibly might be; that is, that the powers on both sides should be annexed to the ratification: they were not to be inserted in the ratification, and therefore it was looked upon to be essentially complete without them, and that they might be added after the exchange of the ratifications was made at Ryswick; besides that we have no authentic copy of the French powers. The signatures, whereof His Excellency has also been pleased to send us a plainer copy than that in the treaty, are exactly observed in the ratification as they are in the copy of the treaty; but I take notice that both there and in his Excellency's copy the French Ambassadors sign in the first place, and the King's Ambassadors in the next, etc., whereas I should have thought these should have signed first the King's part, which was to be left with the French.

"I wish my Lord Ambassador Villiers be not misinformed as to the annexing the *pleinpouvoir* of the French Ambassadors to our treaty, that, upon second thoughts, seeming to me to be most proper to be done in their treaty." (III. 86.)

JAMES VERNON to MATTHEW PRIOR.

1697, Sept. 28 [–Oct. 8]. Whitehall.—"We hear nothing yet of any orders for recalling our letters of marque. If the ratifications were exchanged, a proclamation ought to issue of course, or otherwise it will not be done till the King's pleasure is signified.

"I have been enquiring in relation to what you writ in your former letter about treaties being in French or Latin. As to what was done at Breda, I believe you will know it soonest from some in Holland who were at that treaty. I meet with

nobody here who knows anything of it. If you will go to older times, our historiographer Thomas Rymer hath rummaged some of his records of ancient times, for he hath not yet looked into those of the memory of man, and he sends you an extract of all sorts when they treated in Latin, when in French, and when in both languages. An article of a truce in Henry V.'s reign (for those were the treaties in that time) is transcribed at length; there you will find it agreed that each party agreed to sign the treaty both in Latin and French, and this, he says, was frequently repeated afterwards.

"I have in my keeping the original of the American Treaty between England and France which was made in November. 1686, the Ambassador Barillon being plenipotentiary for the French, and the Chancellor Jeffrys, Lord Sunderland, Lord Middleton and Lord Godolphin plenipotentiaries for St. James'. That treaty, I assure you, was drawn up in Latin, and both parties signed and sealed the same instrument." (III. 87.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, [Oct.] 8. [N.S.] Hague.—"In conformity to yours of the 5th and 6th, which I have laid before my Lords Ambassadors, I send you an instrument of ratification as their Excellencies have agreed to have it formed together with the Treaty and their powers: the whole fairly transcribed in order to it being signed by His Majesty and sealed with the Signet, to be exchanged with the ratification of the French in case the other instrument from England may not arrive in time.

"I have left the place and day of signing to be filled up by you or to be returned (in case you would have the whole written in one hand) with a word of instruction of *palatium*, or *aula*, or what you will call Loo or the place where His Majesty may be when he signs.

"Their Excellencies think that the placing their *pleinpouvoir* after the Treaty is as it ought to be, since it is the Treaty which His Majesty ratifies, and the *pleinpouvoirs* were sufficiently ratified when they passed the Great Seal. The French *pleinpouvoirs* are not added, since the doing so would make this instrument differ from that which we expect from England: they may be added to either instrument afterwards if it shall be judged necessary. In the meantime we have the original of the French *pleinpouvoirs*, which seem to make the inserting a copy but superfluous. You will observe that in the 14th Article I have left a space for *Celsissimum* or *Serenissimum*, your letter not determining that point with the validity of an order; if, therefore, as you seem to intimate in your postscript, His Majesty consents to the supplying that blank with *Serenissimum*, their Excellencies desire you would send them a warrant by which they may be enabled to alter the word in the instrument which will come signed and sealed with the Great Seal: for it would

but increase the difficulty if *Serenissimum* should be seen in an instrument which is to be withdrawn for another in which *Celsissimum* would appear after; and their Excellencies cannot make the alteration without they are authorized so to do by such a warrant. All this is to be understood in case the French will consent to the alteration.

"To-morrow my Lords Ambassadors will confer with those of France about the Act or Declaration, which we would have of what is agreed as to the peace taking place in the different parts of the world, and accordingly I shall be able, in my next, to give you an account of it. The French will easily know what we mean, since the circumstances which as well we as Nesmond are in are so far from being a secret that they are in this day's *Gazette*.

"Their Excellencies will likewise concert the matter of passports with the French. In this they have already declared that they will act with us conformably to what they do with the Dutch: their Excellencies will therefore consult likewise on this affair with the ministers of the States; though their Excellencies, I am commanded to inform you, will not ask for passports for particular ships to go out without His Majesty's order for their so doing signified by the Secretary of State or by yourself, their Excellencies not presuming to judge if it be necessary or reasonable that such ships should have passports. As to what regards a passport for Sir Lambert Blackwell [envoy to Tuscany], their Excellencies think he cannot have a better pass to go through France (the peace being made) than the commission with which His Majesty honours him: they will, however, mention his going to the French Ambassador to-morrow: the like may be said as to passes for any particular person; the King's subjects having liberty to go, come or stay in the French dominions by virtue of the 5th Article." *Copy.* (X. 380.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 9. [N.S.] Hague.—"The Mediator asked the French this morning in the name of my Lords Ambassadors for such an Act or Declaration as you mentioned in yours of the 5th [*sic*], but the French alleged that they could not consent to the giving it; that they had written to the King their Master of the agreement made last Saturday as to the times of the peace taking place, and did no way doubt of his being willing to confirm it by his approbation; but they thought they could not found a public Act upon it till they were assured that he had actually consented to it.

"They have agreed to the giving general passes in blank to be filled up by us for what part of the world and in what number we think proper: accordingly they have written to Court for such passports. These passports, Sir, does in a manner prevent our insisting upon this Act, and even renders

our having it useless. They desire reciprocally like blank passes from His Majesty, in order to which, if you please to draw up the form of a pass such as His Majesty shall approve, and think it proper that a certain number of them should be printed here, I shall take care that it be done, and shall return them back for His Majesty's signing, that we may have them ready on our side as the French will have them on theirs.

"They have consented that we may (as an act of own) insert *Serenissimus* in the Brandenbourg Article of the instrument to be ratified, and since you let their Excellencies know by yours to me of the 7th (which I had the honour to receive this morning) that His Majesty will gratify the Elector in this point, it only remains that you send a warrant to enable our making this alteration in the instrument which we expect from England. I begin to despair of its coming in time, unless they have taken care on the other side to send it to some port of Flanders. The Mediator told their Excellencies this morning that the French had made some difficulty of receiving our *pleinpouvoirs*, since the King of England does therein style himself King of France. The Mediator told them that the *pleinpouvoirs* being only added after the ratification, it was properly an act of the King to his own subjects, and was no part of the Treaty: with this they are or seem to be satisfied; but their raising this objection, Sir, makes me believe that they will not consent to His Majesty styling himself King of France in the form of the ratification at the beginning, unless there be a very late and clear precedent for it, according to which you will be pleased to regulate the ratification which you sent us. Their Excellencies have agreed with the French on an Act for the freedom of fishery of all kinds and in all places, as the Dutch had likewise done.

"As soon as this Act is signed, a copy of it shall be sent into England and to yourself. The French have agreed to give Sir Lambert Blackwell a recommendation to the first French frontier town, thinking a passport unnecessary, and not doubting but that the King of England's pass is sufficient." *Copy.* (X. 385–8.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 10. [N.S.] Hague.—"I have this evening received the ratification, and laid your letter of yesterday before their Excellencies, who will according to His Majesty's orders confer with the Pensioner and ministers of the States, and proceed conjointly with them in what regards France's ratifying with Spain before their Excellencies proceed to exchange our ratification. Their Excellencies insert *Serenissimum*, and are satisfied with the way you propose of doing the like in the instrument which is to come from England.

"I can now explain what I wrote to you last night about passports which the French would give. A. is, you see, Sir,

for ships to go and return to and from any place whatever ; B. to go and come to and from France only. The French have positively promised passports according to the form B., and they think they shall have the more general ones according to the form A. Their Excellencies think it necessary that we should be provided with passes to exchange with the French according to the form which they may receive. You will be pleased, therefore, to send us two forms parallel to these (as His Majesty may approve), which shall be printed here, and their Excellencies will return that form which shall be made use of, in order to its being signed by His Majesty.'' *Copy.* (X. 389.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 1–11. Hague.—'' We are just now returned from Ryswick. The French had the ratification ready engrossed, sealed with their Great Seal in a silver box in ample form, as we had ours signed and sealed with the Signet in the manner you sent it. These instruments are by consent of each party left in the Mediator's hand till we receive ours under the Great Seal from England to exchange with them, and the ratification is reckoned from this day to be good and valid. The French had also the Separate Article engrossed and ratified and sealed in as ample form as the Treaty : they expect we should have the like to exchange with them, though their Excellencies at the signing of the Treaty were given to understand that this article was not to be ratified. Their Excellencies desired, therefore, that you would be pleased to get this article ratified under the Signet as the Treaty was, and that you will despatch for England a copy of it with a warrant that it should be ratified under the Great Seal. Their Excellencies desire that under the Signet to be returned as soon as possible. Both the Treaty and the Separate Article of the French bore date the same day : I know not if you will think it necessary that ours should do so likewise. Before the ratifications were put into the Mediator's hands, the French produced the ratification which they will make with Spain, and they declared in the presence of the Mediator, the English and Dutch Embassy, that they were ready to exchange it with the Spaniards as soon as theirs came from Madrid, with which the Spaniards declared that they were satisfied.''

Postscript.—'' The French received our ratification without making any exception to His Majesty's title as King of France. I this moment see the messenger, who tells me the ratification is come from England and forwarded to you.'' (X. 391.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, Oct. 11. [N.S.] Loo.—With regard to the difficulty likely to arise out of the King's title, His Majesty has

decided that search must be made for authentic precedents, of which the most recent shall settle the matter. Enquiry will therefore be made in all the offices in England. "The French themselves can more readily help us by a sight of the originals which they have in their hands, there having been ratifications of treaties delivered to them as well during the reign of the late King James as of King Charles II.

"There is indeed no dependence upon their printed books; but if you please to examine the last *Recueil des Traités de Paix*, printed by Leers at Rotterdam, *pages* 4, 12 and 26, *Volume* the 5th, you will find the title of France there omitted in our instruments; from whence you will further infer that the *pleinpouvoirs* and the instrument of ratification ought to agree as being both delivered over to the French, as indeed the full powers delivered to them by the Mediator and the form of the ratification sent by their Excellencies do, so that it could not be expected any alteration should be made here." *Signed.* (III. 100.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, Oct. 2–12, "near ten at night." Dieren.—"We have this instant received the ratification of the Peace from England. His Majesty has immediately signed it, and commanded me to send it, as I now do, to their Excellencies the Lords Ambassadors, that it may be exchanged as intended." *Signed.* (III. 88.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 4–14. Hague.—"I told you in my last that I thought the difficulty which we apprehended as to His Majesty's styling himself King of France was over, the French having without any objection collationed and put into the Mediator's hand the Treaty with the ratification as you sent it signed by the Signet: but on Saturday when they understood that the instrument under the Great Seal was come from England, they informed my Lords Ambassadors by the Mediator, that they excepted against the style of *Rex Franciæ*, and after some arguing upon that point they came to this, that they would be satisfied, provided we declared that we would change it, if it be found otherwise in the ratification of the Treaty of Breda, and in other treaties made since. Their Excellencies are very willing to oblige themselves to stand by the example of Breda, as they have done likewise in the point of language, but do not think it proper to consent to such loose terms as *and treaties made since* import, for that they do not know but that the style of *Rex Franciæ* may possibly have been omitted in those negligent times when France had but too much influence upon our negotiations. The treaty made with France in 1672 against Holland is in French, and probably the ratification may be

in the same language, and if so, the King may be mentioned *Roy de la Grande Bretagne* with an *et cetera;* nor are we sure that either in the treaty of commerce in 1677 or that of neutrality for America in 1686 the style may have been carefully observed, we only having the body of these treaties by us, but neither the preambles nor ratification, nor do their Excellencies know what secret treaty King James may have made with France, or with what omission, novelty, or irregularity of style: these are the considerations which oblige my Lords Ambassadors to rely upon the precedent of Breda, rather than consent to the clause *and of any treaties made since*, which renders the thing more vague and uncertain. The Mediator has been with the French to-day to try to bring them off, but as yet without any success, and in this state the matter is at present. Their Excellencies have resolved to desire a conference with the French in the presence of the Ambassadors of the States and of the Mediator, of which in my next I shall send you the result."

"On Sunday night we had the ratification under the Great Seal, and this morning my Lord Portland did me the honour to give me yours of the 13th with the Separate Article."

Postscript.—"The business of passports is, you see, Sir, at a stand till we can get over this rub." *Copy.* (X. 394.)

William Blathwayt to Matthew Prior.

1697, Oct. 15. [N.S.] Dieren.—Enclosing instructions to their Excellencies, by which "you see the medium that is taken between what the French offered and what their Excellencies would accept of. I hope it will happen to be all one, and that a speedy end will be put to the occasion of such difficulties.

"Pray give notice, when the ratifications are exchanged, to all our ministers abroad, as the knowledge of it may be of use to them."

[The instructions referred to are printed in Prior's *History of his own Time* (ed. 1740), vol. i., pp. 35–7.] (III. 105.)

Matthew Prior to William Blathwayt.

1697, Oct. 16. [N.S.] Hague.—"My Lords Ambassadors have this morning regulated the difficulty about the title of *Rex Franciæ* with those of France in what manner you see by the Act which I send you enclosed. . . . . According to this agreement I went as I was commanded by their Excellencies to collation our Treaty with that under the French Great Seal, with the Secretary of the Mediation and one of the French Embassy. Theirs was right in all except that in the 8th Article concerning Hudson's Bay there was a blank left as well for the place, *in Urbe Londini*, as for the time of meeting, *trium mensium*, as the time of

their finishing *sex mensium*, for which reason I did not exchange it to-night, but left the instrument in the hand of the Mediator, and took back that under the Signet, as that of the French is likewise left, the Secretary returning to have his superior orders, which he is to bring back to-morrow morning. The thing being already agreed between my Lords Ambassadors and the French, I presume most certainly there will be no more difficulty in it.

"I shall obey your order in giving notice to our ministers abroad when the ratifications are exchanged. The French desire passports for the ships of which the enclosed contains the names, and are willing to give us passports for as many until their Excellencies and the French Ambassadors agree about giving passports in general.

"The publication of the Peace will be here and at Paris on Monday next. We are under no obligation as to the time, but it is to be supposed that it should be done as soon as may conveniently. His Majesty will be pleased to write hereupon to the Lords Justices.

"I have told you that my Lords Ambassadors had agreed that the time for hostilities ceasing was twelve days after the signing, that is, after the 20th past, and so on, for places further distant, as specified in the 10th Article. The French Ambassadors have notice from Paris that the King their Master has approved of this agreement, and we expect an authentic Act of this from them before Friday." *Copy.* (X. 401.)

MATTHEW PRIOR to the EARL OF ALBEMARLE.

1697, Oct. 17 [N.S.] Hague.—"Je viens de faire l'échange de nos ratifications ; j'aurois souhaité de mettre moimême celle de la France aux pieds de Sa Majesté, mais mes supérieurs en ont autrement ordonné. Je suis heureux si le tout s'est fait à la satisfaction et au plaisir de notre auguste Maître, car les deux choses au monde que j'ambitionne le plus, ce sont de pouvoir toujours travailler pour la gloire du Roi et de témoigner à Milord d'Albemarle que je lui serai toute ma vie redevable des faveurs dont il a eu la bonté de m'honorer." *Copy.* (X. 406.)

MATTHEW PRIOR to JAMES VERNON.

1697, Oct. 22. [N.S.] Hague.—The messenger Mr. Thomas came hither this afternoon with the Separate Article ratified, and went forward with it immediately for Loo. I hope you have received mine of the 8–18th, by which I told you I had exchanged the ratification of the Treaty. Mr. Blathwayt tells me in a letter of the 17th that he has written His Majesty's pleasure hereupon to their Excellencies the Lords Justices as to its being proclaimed and published. Sir William Trumbull likewise receives by mine of the 18th the original Act by which the Peace takes place immediately

from the day of the signing, which you will judge necessary to be made public. It was not made to prevent the harm that might otherwise arise from the omission of the second date in the 10th Article of the copy I brought over, viz. : *six weeks from the British and Northern Seas to the Cape of St. Vincent*; but it will, however, occasionally do so, for before you had this Act the word *publication* was so ambiguous that it was generally thought to be equal to or to come after the ratification, and I believe few ventured to understand it as their Excellencies my Lords Ambassadors have agreed it by this Act, and now it is so agreed the time is well-nigh elapsed; but I do not plead this to excuse the oversight: the copy was indeed taken at three in the morning, and I hurried away with it before it was duly revised and compared, though I always understood that you would print the treaty from the copy which should come authentically from Loo, and I meant this hasty draught for the curiosity only of my Lords and myself. I am glad the last edition has corrected this error; nobody can be more concerned at its having happened than myself.

"The French expect daily general passports from their Court which we shall be ready to exchange with them; and I shall send you to be distributed to ships as you may judge necessary the Act we think sufficient for all ships in these seas where the Peace is or will very soon be known." *Copy.* (X. 412.)

Matthew Prior to William Blathwayt.

1697, Oct. 13–23. Hague.—"When my Lords give the French the passports, they will require an equal number for us; I shall then see what can be done for the Turkey merchants which Mr. Dean Smith solicits for. The French Ambassadors say their general passports are not yet come: till we see exactly the form of them, my Lord Ambassador Williamson is of opinion we cannot send you the form of those we beg His Majesty to sign. Others are not of Sir Joseph's opinion, but those that will have a maypole [*sic*] shall have one. We shall trouble you once more about this matter of passports, and then I hope we have done." *Copy.* (X. 415.)

Memoir delivered by Matthew Prior to the Secretary of the Russian Ambassadors.

1697, Oct. 24. [N.S.] Hague.—Referring to the commercial privileges granted in the time of Queen Elizabeth by His Czarish Majesty John Basiliwich and continued by successive Czars to the English nation for more than a century, *donec malignitas temporum et infausta series belli impedivit Anglos quominus fruerentur foederibus istis antiquis*; which privileges, now that amity is restored between the

two nations, it is hoped may be renewed and extended so as to authorize the importation of tobacco into the Czar's dominions. *Latin. Draft.* (XVII., No. 36.)

MATTHEW PRIOR to [JAMES] VERNON.

1697, Oct. 25. [N.S.] Hague.—"I hope you have mine of the 13th to take off the fright you were in from that of the post before. So you have seen that we have gotten off gloriously, and nothing more to do than to thank my Lord Chancellor's officers for their trouble, and desire them to put their records up against the next peace. The French passports are not yet come: the exchanging them with ours is all, I think, we have now left to do. The Germans are coming to, because they must: the only difficulty is about the Palatinate, part of which, to which *Madame* lays claim, the French would have sequestered till the right of possession be determined by arbitration. May be, this is not so very unreasonable, but as yet the Germans will not yield to it: a day or two more will bring them a decision. You know their method; they let slip all help that human prudence can dictate, and then lay their acting foolishly upon necessity. I told you in my last the ratification of the Separate Article was gone to Loo; we have it not back again as yet, but shall have it, I believe, to-morrow." *Copy.* (X. 416.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 26. [N.S.] Hague.—"I am commanded by my Lords Ambassadors to tell you that the Duchess of Nemours would have entered her protest against His Majesty being possessed of the Principality of Orange, but the Mediator refused to receive it, the Peace being signed and ratified. The Separate Article is long coming. Mr. Swinfurt gives you an account how far we are got in our Muscovite negotiation; so you are no further troubled with me at present than to direct me in this form of the passport." *Copy.* (X. 419.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1697, Oct. 18–28. Loo.—"This is occasioned by a very great emergency that has surprised the King this morning. M. le Baron Goertz, plenipotentiary of the Landgrave of Hesse Cassel, has acquainted His Majesty with the unreasonable demands of the French relating to the fortress of Rhinfels, the particulars whereof will be explained by him to their Excellencies our Ambassadors, whom His Majesty commands to use their utmost endeavours by the most proper ways and means to bring the French to desist from this pretension, which is not only injurious to the said Landgrave but highly prejudicial to the safety of Germany and to the common cause." *Signed.* (III 107.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Oct. 29. [N.S.], 10 at night. Ryswick House.—"My Masters being still within at conference, I can tell you no more of what the French are doing with our Germans than that, I hear, things are drawing towards a conclusion, except the business of Rinfeildt [*sic*], which unluckily intervenes, be of consequence enough to hinder the signing to-morrow. Their Excellencies have His Majesty's order to interpose as much as possible in the Landgrave's behalf, but the secret of the business is that the Imperialists are cold enough as to what regards this Prince's interest, and would risk this place's falling one day into the French hands, provided they could establish it at present in a Papist's. Mons. de Vehlen, Ambassador from the Elector Palatine, has had ability enough to compose his master's differences with the French ministers underhand, whilst we were all engaged above board in sustaining that Prince's interest: but, God be thanked, we have done our own business, and are much more easily satisfied with this minister's negotiation in the dark a month after the peace than with La Tour's a year before it. I hope by next post to give you some satisfactory account of our proceedings, Thursday being the last day for the Germans coming in, which, if they have any sense, they will not let slip.

"The Separate Article under the Broad Seal came from Loo last night; I shall exchange it to-morrow for that of the French, which lies in the Mediator's hands.

"I shall likewise have French passports by next post, ours being come from Loo, at least twenty of them, with which we may begin to exchange.

"You will pardon the incoherence of a letter written in the middle of a crowd." *Copy.* (X. 421.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, [Oct.] 30. [N.S.] Hague.—"I am just now commanded to mention to you a point of great consequence: the French in all the reunions they give back will have it stipulated that the Roman Catholic religion shall be kept and preserved as in the state it now is, and that if any prince shall endeavour to change or innovate in this point, he shall not have a benefit of the Peace now to be signed. Their Excellencies are this moment going to Ryswick to interpose as much as possible in this affair."

Postscript.—"I am to add a word to my letter on my own behalf, and I hope you will think I request a thing reasonable. By a letter from you to the Pensioner in His Majesty's name, dated the 16th of June, 1694, I was recommended to the States as His Majesty's Secretary, and have ever since been used by them with all kindness: the favour I desire of you is to move His Majesty that you may by his order write a like letter to the Pensioner or President of the week, when

His Majesty pleases that I should leave Holland, that I may have occasion to take my leave and thank them for their favours; which is but just to go off as I came on, and would let the States see I was not wholly forgotten by my Master, and entitle me to a medal." *Copy.* (X. 425.)

MATTHEW PRIOR to WILLIAM BLATHWAYT.

1697, Oct. 31. [N.S.] Hague.—"My Lord Jersey has just now the news of the Peace being signed this morning between one and two by the Emperor and all the Catholic Princes of the Empire: the Protestants refused to sign, but have time allowed them to come in till the exchange of the ratification, which is six weeks. The French declare that they shall all enjoy the benefit of the Peace, but those that shall not sign in the time prescribed shall be looked upon as enemies to France, and that Brandenbourg shall not have the benefit of the inclusive Article in our Treaty.

"Some time before the Peace was signed the Mediator withdrew leaving a Declaration in the hand of their [*sic*] secretary, that there being some things in this Peace contrary to that of Westphalia, whereof his master was a guarantee, they could not consent to the signing it. This Declaration was delivered in as soon as the parties had signed." *Copy.* (X. 428.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Nov. 1. [N.S.] Hague.—"My Lord Jersey tells me he writes to you, so you will excuse my sending any politics, though this post affords matter enough of observation. Our good friends, the Emperor and the Elector Palatine, could no longer conceal their concern for Catholicism, and seven hundred Protestant churches are sacrificed as a victim to a peace ill made for Germany. The Protestant Princes will come in within the time prescribed, but it will be a long time before they forget the proceedings that obliged them to it, *et adhuc mea vulnera restant,* whenever they shall come to speak in a free Diet, or have power to show the House of Austria their resentment. I am got insensibly into my reflections, though I promised not to trouble you with them." *Copy.* (X. 430.)

MATTHEW PRIOR to SIR WILLIAM TRUMBULL.

1697, Nov. 5. [N.S.] Hague.—"My Lord Jersey took his leave of the States on Saturday, and is gone to Zuylesteyn to wait on His Majesty. I have order to take my leave, and I hope I shall wait on you when the King comes over. The yachts are arrived: Sir Clouesly and Admiral Benbow are both here: how good a convoy the King is likely to have in time of peace, and how hard it was for him to get any whilst the war lasted! We expect the King here on

Thursday, and I believe he will only wait the change of wind, for everything here is ready for his signing.

"The public rejoicing is to be to-morrow: a great firework is preparing for that purpose." *Copy.* (X. 433.)

MATTHEW PRIOR to VISCOUNT TOWNSHEND.

[1697,] Nov. 5. [N.S.] Hague.—"What a cursed thing, my Lord, is this! a secretary to be writing till midnight without having time to say one word to those whom he respects most or loves best. No matter; I shall see you within this fortnight, and in that thought adieu all the melancholy reflections that can be inspired by a huge bundle of papers without any method, or an ambassador without anything but method!

"'Who would' (says Dryden) 'drink this draught of life
Blended with bitter woes and tedious strife,
But that an angel in some lucky hour
Does healing drops into the goblet pour?
When wearied I would spill the baleful cup,
Some sparkling bubble of delight springs up.
My Sovereign or my friend was heard to tell
I served him faithfully, or loved him well:
Then easy hope deceives my flattered taste,
One joy atones ten thousand evils past;
New scenes of thought I from this model frame,
Consent to live that I my part may claim
In Townshend's friendship or in William's fame.'

"I bronche [*sic. i.e.*, stumble], i' faith, and can no more rise in poetry than B . . . . in prose. I hope the *Hoop* in Fish Street will give me some spirits, and cure an ill habit of mind contracted by a thick air of conversation. Dr. Sherrard, you know, said I had no need of anti-scorbutics to help my eyes: may be he will think I have no occasion for good company to cure my ideas. I'll try so good a dose of it by his favour as soon as I get to England as may set me right for a year or two at least. In the meantime I thank you for Dr. English's letter to me and will not say one word how very much I love you, or which is rarer, how very much you deserve to be loved, till I see you. *Amo te: fac me ames. Vale!*" *Copy.* (X. 435.)

The MARQUIS OF WINCHESTER to MATTHEW PRIOR.

1697, Dec. 7 [–17]. [Dublin Castle.]—"I received yours of the 18th past, and you talking of coming over so soon made me return you no answer, Mr. May telling me likewise that he lets you know all that passes.

"We received . . . . a letter from my Lord Shrewsbury signifying His Majesty's pleasure that you should go into France with my Lord Portland (whither I wish you a good journey, I need not a pleasant one) and afterwards that you will come hither." (III. 110.)

The Earl of Galway to Matthew Prior.

1697, Dec. 7–17. Au Château de Dublin.—"Je suis bien fâché que vous vous éloigniez encore de nous; mais l'occasion m'en console. Le voyage que vous allez faire en France est pour le service du Roy, et ne peut manquer d'être pour vous un sujet de satisfaction. Je vous l'y souhaite toute entière. Vous ne devez pas douter que nous ne vous conservions une place, que nous espérons que vous viendrez bientôt remplir, et qui ne sauroit être remplie plus dignement. Si le retour dépendoit de vous, je vous exhorterois à le hâter; mais je me contente de souhaiter qu'il ne diffère pas trop longtems le plaisir que je me feray de vous pouvoir dire que je suis sincèrement, etc." *Signed.*

Endorsed by Prior.—"Ld. Gallway, Dec. 7, 1697, by which he consents to my going into France." (III. 111.)

The Marquis of Winchester to Matthew Prior.

1697 [-8], Dec. 28 [-Jan. 7.]—I "was very sorry to hear how the sessions began, but am glad to find by yours that the honest country gentlemen, who were the dupes to the Jacobites and violent men, begin to be a little undeceived, and that at least what you name will be kept on foot for our security; for I own in my poor opinion I cannot think this Peace looks very lasting, though I heartily wish I may be deceived. I have no particular commission to desire of you, but shall be glad to hear how you find matters in France." (III. 113.)

H. May to Matthew Prior.

1697–8, Jan. 1[–11]. Dublin Castle.—"I account the honour of your friendship no small part of the advantage that has accrued to me by the post I now serve in, and shall always use my best endeavours to preserve it.

"I send you enclosed an account of what the fees of your office have amounted to each month since my being here, as Mr. Padmer, who has been always trusted in that matter, has from time to time made it to me. I do not question but it is very different from some relations you may have had of it, that is less, for I do believe the fees have generally come to much more, for which I can find but two reasons. One is the great reducement that has been made by the present Lords Justices therein, especially the military part, which used to be the most beneficial; and the other is the strictness of the Government for the appearance of officers at musters, the fees of their dispensation on those occasions having formerly made a considerable part of the profits of the office.

"What I have further to observe to you in this matter is that besides the fees it has been often (I won't say always) customary to receive money for despatch, as they call it, or a sort of gratification, for the want of which I am pretty sure people's affairs have been sometimes delayed; insomuch

that for some time after our arrival scarce any one brought a paper of any consequence without some guineas more or less, which would have come to a great deal in the year. I can affirm I never received a farthing of any one, nor has there to my knowledge been any more received in this office than the allowed fees, of which the enclosed is the account, over and above the clerk's share.

"You will be pleased to make use of what I have said only for your own information, for it would not become me to criminate them that have gone before me, nor can it, I am sure, be your intent." (IV. 1.)

The Earl of Galway to Matthew Prior.

1697–8, Jan. 4 [–14]. Dublin Castle.—The assurance you give me that your stay in France ought to be a very short one gives me pleasure, and I pray you to make me find it still shorter by giving me sometimes news of yourself and of affairs. What you told me before you left England points to a success more complete than could be expected. Particularly I thank you for the paper on "A Standing Army," in which this subject is very clearly treated. Whoever is the author, I esteem him and I love him; I pray you to assure him of it, if you know him. *French. Signed.* (IV. 2.)

Endorsed by Prior :—"Ans. the 9 Ap. 1698."

James Vernon to Matthew Prior.

[1697–8, Jan. 9[–19]. *Endorsed.*]—"I believe my Lord Pembroke spoke to you that it is necessary you take with you the lists of the French Protestants who are prisoners in France. He thinks you have several of them, as well those sent by my Lord Galway as others. My Lord Portland intends to do what he can towards procuring their liberty." (IV. 4.)

James Vernon to Matthew Prior.

1697–8, Jan. 14[–24]. Whitehall.—"I have your letter from Dover and hope shortly to hear of your arrival at Calais, and how Mr. Berkenhead hath complimented you.

"Though you will not frighten the French with our standing army, yet you may assure them that by our disbanding we have steadfast purposes to preserve the Peace, and if they have not the same, it will be but fair in them to let us know it before we proceed much further. We are not in such haste to disarm but you will have time enough to enquire what they intend on that side." (IV. 5.)

James Vernon to [? the Earl of Portland].

1697–8, Feb. 1[–11].—"I am commanded to send Your Excellency the enclosed copies of papers that were laid before His Majesty last night at the cabinet council: two

of these are in behalf of poor French Protestants who were taken at sea and in danger of being sent to the galleys. His Majesty would have your Excellency give them what assistance you can towards their being set at liberty: to that end I send you a list of such prisoners as we have in Newgate whom His Majesty is willing to release if the like favour may be shown to these persons and some others under their circumstances. As to Tessier, who was taken on board a Portuguese ship, I have orders to speak to the Portugal Envoy that he should use his endeavours to get him released, since their protection was violated by the seizure.

"There is likewise a letter from Sir Paul Ricaut concerning a Hamburger who has been seized at Brest in revenge for the putting Captain Vaughan, since condemned for piracy, into our hands. Their circumstances are so different that His Majesty hopes you may prevail to prevent his being otherwise dealt with than as his innocence and case deserves.

"By the letter from Mr. Methuen, the Envoy at Portugal, Your Excellency will observe that a ship taken from the French hath been stopped there to show them their unreasonableness in not releasing a boat of ours when there was the same justice for it; however, His Majesty sends his orders to Mr. Methuen that he detain the ship no longer, as being willing rather to give the example how he intends to observe the Treaty; and though not only the French privateer but the Ambassador himself at Lisbon were failing on their part, yet His Majesty does not doubt but their behaviour will be disowned, and that satisfaction shall be given for the boat belonging to the *Cambridge* which was so unfairly carried off, and His Majesty the rather inclines to believe it, since Sir Joseph Williamson sent over by the last post an order from the Court of France for restoring all English ships that had been taken since the 2nd of October and brought into the ports of Dunkirk and Calais.

"We have had a very busy week in this office by the multitude of petitioners who sue for leave to stay in England for avoiding the penalty of the late Act, some of which have been refused, but most granted where their circumstances and behaviour and in certain cases the solicitations of others pleaded for them. Those who are denied are getting away as fast as they can, and some are doing so who never asked for leave, as the Earl of Ailesbury, and, as they say, Oglethorp and his wife. This law will cause a great dispersion among them, and few will venture the being taken up. Lord Montgomery went away yesterday; Lord Ailesbury, who went away the day before, had his lodgings searched somewhere in Kent by some who said they had a warrant for to take up the Lord Montgomery. I suppose it must have been procured by those who were his bail and think they shall be left to answer their recognizance upon his going away.

"We have a report here as if Harrison, the priest, were lately come over, and some say he is in one place, others in another. I believe it may be no difficult thing for Your Excellency to be satisfied whether he be in France or not, otherwise one may have an endless trouble and alarm to look after him to no purpose if he should be at the same time in his convent.

"I asked Mr. Montague lately whether they had taken into consideration the protocol about what was to be paid to the late Queen; he said they had it before them, but knew not well what they could say to it." (IV. 6.)

JAMES VERNON to MATTHEW PRIOR.

1697–8, Feb. 2[–12].—"I am sorry you have had so ill a seasoning in that country, and should have been more concerned but that I heard at the same time you were in a way of recovery.

"I am satisfied the messengers must be useless to you if no way be found to help them to money, and I don't know how you can have your letters conveyed without them, unless the packets are left to be opened at discretion. I have the King's orders to write to the Treasury that each of them have 100*l.* given him on account, but they are apt to say it is easier to direct the payment of money than to find it. I suppose Kenge will hardly think of returning unless he gets it.

"I hope the care taken to shew how welcome you are may be improved further than to the dislodging of Berkenhead from Calais. If you leave King James at St. Germains, all the rest is but compliment. We hear Berkenhead hath cheated the postmaster at Calais at play, and that he is gone from there on that account." (IV. 7.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1697–8, Feb. 4[–14]. Whitehall.—"I made it my endeavour to have seen you before you went for France, but was not so happy, though I left word with Mrs. Prior where to send for me all the day before you went, intending to have got you to have signed a blank indenture for your plate, without which I cannot get it out of the Jewel Office; and no post being settled between England and France, I knew not how to send till I heard from you.

"I find this cold weather has been a little too sharp for your thin body, and am glad you are (as you write me word) pretty well over it.

"I doubt not but you have heard from Mr. Stepney since you left England." (VIII. 259.)

MATTHEW PRIOR to the EARL OF JERSEY.

1697–8, Feb. 4 [–14]. Paris.—"When I last wrote to Your Lordship I was really at death's door, but not liking much

the prospect I made all imaginable haste to return, and may, I hope, stay longer in the land of the living. My Lord [Portland] has had two audiences in particular at Versailles, and externally these people are very kind to us; their not hastening to disband in general, and their only reforming the English and Irish troops makes one think they are not so good friends with us as they would have us imagine. The whole nation is so in a military state that it cannot subsist without its continuing so still, the gentlemen are ruined if they cease to be officers, and it is impossible for the common people to be brought in some years or with small difficulty to tillage or manufacture: if I join to this the blind bigotry they have for the Papist religion, and the notion which the people have that King James has lost his crowns merely for religion's sake, I shall conclude that sooner or later we shall be attacked from hence, and that some standing force in England is no very impertinent thing; but what we cannot help we must suffer. Plays, masques, and operas are as much thronged as ever; the people of quality are mighty expensive; the *partisans* and *fermiers* have all the money in their own hands, which they must lend the King, and can make no other use of it. He is getting it as fast as he can into his own coffers, and will then lower the value of it and repay them at leisure, thinking no further at present than to get the money which he needs; and for the rest, as much as one may judge of things by their appearance, poverty and misery are very much, even at Paris. I believe our show day cannot be yet this fortnight; trappings for all our beasts of four and of two legs will not be ready sooner. In the meantime I have little more to do than to make a leg thrice a day for my chocolate, my dinner and my supper, and run about the rest of my time as fast as two lean nags can carry me like Bartholomew Coates to gape or to buy, and pay my respects to rare company, monks, poets, tailors, academicians, nuns, seamstresses, booksellers and players." *Copy.* (XI. 1–3).

The Earl of Dorset to Matthew Prior.

[1697–8,] Feb. 7[–17].—"This gentleman, the bearer, who earnestly desires to be recommended to your acquaintance, is a man of a good estate, good sense, and excellent principles; and I am sure you will like his conversation better than that of most of your fellow travellers.

"I have escaped the grief and trouble your sickness would have given me by hearing of your recovery at the same time. I desire no other news but the confirmation of this, for the health and happiness of a friend that I love and esteem so much shall always concern me more than any public affairs, and equal at least to my own private ones, for I am and always will be, dear Matt, your affectionate and most humble servant." (IV. 9.)

MATTHEW PRIOR to LORD LEXINGTON.

1698, Feb. 18. [N.S.] Paris.—"I thought I might have waited Your Lordship's coming to London, and there have told you *viva voce* that nobody could be gladder of your safe return than myself, but higher powers have ordered otherwise, so I send this letter in my stead to you, my good Lord and Master, as a county sends an address to the King, to welcome you from your foreign expeditions, and to tell you I stand by you with my life and fortune. The latter is all in the Treasury and amounts to twelve hundred pounds, when I can get it; and I thought a violent cold some days since might have fairly eased me of the former, but all, I hope, is growing well again. I wish Your Lordship or the fair Secretary would command me to do anything for you here, for by that means I should hear how you do; and this, too, is to usher in a request of my own. Two friends of mine, Mr. Deputy Secretary of Scotland (Pringle) and Doctor English, solicit me to get a third friend of theirs to be governor to your nephew. I can only say that of the two friends I name I take Doctor English to be as competent a judge of the qualifications necessary for a governor as any man alive, and he recommends this gentleman with great assurances of his being worthy the employment. Pringle is a good ingenious man and knows books and things, and he is likewise very earnest that I use my interest with Your Lordship in this gentleman's behalf, which I would not do but that upon all the character I have heard of this gentleman it will be a service to Your Lordship's family to take him, so I most humbly beg leave for this boldness.

"There is little stirring here, the King is at his prayers at Versailles, and all the rest of the world at the plays and operas here. The whole kingdom is poor, and all the wealth of it in the hands of *partisans* and *fermiers* here, who have drained the people, and are in their turn to be squeezed by the Government. But considering the state of this monarchy as to its military part, and I am afraid we are a little too hasty in voting down so very precipitately our army. You will pardon this medley of a letter. I write to you as I would talk to you, and I wish I was to do that soon." *Copy.* (XI. 3-6).

MATTHEW PRIOR to JAMES VERNON.

1697–8, Feb. 18 [N.S.]. Paris.—"The reason you have not heard sooner from me is that my Lord [Portland] deferred to send an express till he had obtained a second audience of the King of France. He lets His Majesty know the effects of it in His Majesty's letters. I may venture to say to you that it has not been with all the success we could have wished, and I believe we shall wait His Majesty's answer to the despatches we now send before we proceed to have any other audiences public or private. King James's two troops of guards are broke, which is all the news I know."

"I think of all [the] people mentioned in our proclamations we have only the Duke of Berwick, Berkeley, Harrison the priest, Goodman and Berkenhead. I wish I were furnished with the trials or other authentic accusations of these people, that upon mentioning any of them I may be sure of what we have against them, the greatest exactness being requisite on our side as to matter of proof, when we complain of these people being harboured here." *Copy.* (XI. 6.)

MATTHEW PRIOR to CHARLES MONTAGUE.

[1697-8, Feb. 18. N.S. Paris.]—"It is a shame that I have not writ to you, but I have been dying, but as matters stand at present with me, I think I may hold out some years longer, at least I am trying how far patience and posset drink will contribute towards it. I promised to give you some account of the state of things here, and I think it may be done in one word, that the whole money of this nation is at Paris in the hands of the *partisans* and *fermiers*, from whom it must necessarily come into the King's, since they can dispose of their money no otherwise whilst the *louis d'or* is at 14 *livres*; and he will keep it so till he has got all the money he can, frightening the people every week with the report of its falling, so that it is better for particular men to trust the Government and make what advantage they can of their money, than let it lie dead by them (for all traffic and merchandise is quite lost), whilst they fear they may lose one or two, or indeed three *livres* to bring it to the ancient standard, in 14. The Court, too, having all places and advantages to bestow, and everybody being noted as, according to their condition, they bring in their money, and bailiages and intendantships bestowed, whereby those who lend to the King are enabled to recover themselves by robbing the people, every man is obliged to swim with the stream and contribute to ruin the public in his own defence. This in their good humour themost sensible of them do not stick to confess; and even some Maréchals of France, whom I have had the honour to be with, have said openly enough how happy a people we were who were governed by established laws and taxed by our own consent.

"The common people of this nation have a strange veneration for their King: it is certain he might have the last penny of them, as well by their inclinations as his power *pour la gloire:* but the people of quality hate him to hell, and (as the French do things always to excess) there is nothing so extravagant as their expressions in this kind in an *auberge* overnight, though they dare as well be hanged as not rise at five the next morning to be at Versailles by eight.

"The monarch as to his health is lusty enough, his upper teeth are out, so he speaks a little like old Manard, and picks and shows his under teeth [with] a good deal of affectation, being the vainest creature alive even as to the least things.

His house at Versailles is something the foolishest in the world; he is strutting in every panel and galloping over one's head in every ceiling, and if he turns to spit he must see himself in person or his Vicegerent the Sun with *sufficit orbi*, or *nec pluribus impar*. I verily believe that there are of him statues, busts, bas-reliefs and pictures above two hundred in the house and gardens.

"My Lord Ambassador has not had yet his public audience, he has had two in particular, and I hope the effect of them will be to have the good folks at St. Germains removed a little further, but we make a secret of this, for it were better to have it thought that we never attempted it than that we miscarried in the attaining it." *Copy.* (XI. 16–19.)

MATTHEW PRIOR to JAMES VERNON.

[1697–8, Feb. 22. N.S. Paris].—"I send you enclosed a list of what goods Count Tallard will bring with him into England. . . . . His Excellency [Portland] desires your assistance in recommending it to the officers of the Treasury and Customs, whom it may concern, that Count Tallard may have all imaginable civility shown him on this occasion, as well as to the opening of his goods as to the customs to be paid for their entry, His Excellency having been treated here in every thing of that nature most obligingly, and it being convenient that we in England should be as little behindhand as we can in point of good manners."

"As to our own affairs, my Lord [Portland] gives a particular account of them to His Majesty. We were yesterday at Meudon, where the Court is at present. They are very civil to us; the King talked a good while to my Lord as soon as he came out of his closet and saw him; he dined with the Monseigneurs, Monsieur, and the Duke de Chartres. My Lord stayed a part of his dinner, and then dined with the Marshal de Villeroy and Marshal de Boufflers."

"Pray let me know if you receive people indifferently into England from France, or if any straggling people that do not come under your proclamation must have my Lord Ambassador's passport." *Copy.* (XI. 12–14.)

JAMES VERNON to MATTHEW PRIOR.

1697–8, Feb. 13 [–23]. Whitehall.—"I send you what I can recollect at present in relation to the assassination, and for your fuller information I send you the several trials, out of which you may collect all that was given in evidence when those rogues were convicted; and I have added as many of their dying speeches as I could recover in so short a time; whereby you will perceive I don't know whether you can so easily satisfy others that the fact was not only owned but gloried in." (IV. 10.)

MATTHEW PRIOR to JAMES VERNON.

1697–8, Feb. 28. N.S. Paris.—"We have three posts from England by the same messenger. . . . . I am mighty glad you have found the secret of making the messengers useful to us. I confess they are very far from being so, whilst not a man of them would stir (or could) from hence for our letters at Calais till he was equipped with 12 or 14 *louis*. . . . . If the business is no better done for the future than hitherto it has been, I protest I will send them home again.

"I have wrote to Mons. Pigault about this affair; in short, if the four messengers will do their duty well, we shall always have one ready at Calais to bring our letters from thence, which is certainly necessary; and this I think the only way by which we should receive our letters, considering that these people make no scruple of opening any letters whatsoever that come into their hands."

Postscript.—"There is a talk that the King of France has a mind to live at St. Germains, it being his native air and more proper for him than Versailles. This may be a fair pretext of sending the present inhabitants of St. Germains further. Things are very low with them, forty of their Irish friends that arrived here lately did not as much as see King James, but had each four *livres* only distributed to him, and leave to go seek their fortune where she might be kinder. Lord Melford is out of the Bedchamber, and his party entirely in disgrace; Lord Middleton is the hero in the farce at present.

"I am plagued to death with messages from my Lord Stafford, so would beg you to advise me how his circumstances stand, for I think he has been outlawed. He pretends to have lived here this eighteen years without any design than that of preserving his health, that he had a passport from His Majesty and is not comprehended in the proclamation. . . . . Your orders will instruct me how I am to answer his solicitations, for His Lordship I neither can nor will see. His Excellency [Portland] is equally vexed with him as I am. Goodman was imprisoned for talking too loosely of His Most Christian Majesty for having deserted his ally King James and made the Peace. This, I hear, was the language of St. Germains till King James cautioned them all to forbear it." *Copy.* (XI. 15 and 20.)

RICHARD POWYS to MATTHEW PRIOR.

1697–8, Feb. 19 [–March 1]. Whitehall.—"I doubt not but you have heard how Mr. Chancellor [Montagu] has been attacked in the House of Commons, and that he came off to our great satisfaction with much honour. Yesterday the House of Commons were in a committee upon the Bill against Mr. Duncomb, and have laid a fine on him of two-thirds of his real and personal estate." (VIII. 263.)

MATTHEW PRIOR to the EARL OF ALBEMARLE.

[1697-8, March 1. [N.S.]. Paris.—" Le Roy a beaucoup de santé pour un homme de soixante ans, et plus de vanité qu'une fille de seize. On n'a qu'à voir sa maison pour en mépriser souverainement le maître : bas-relief, fresco, tableaux, tout représente Louis le Grand, et cela d'une manière si grossière que le Czar y trouveroit à redire. Il ne sçauroit cracher dans aucun coin de ses appartements sans voir sa propre figure ou celle de son lieutenant le Soleil, et sans se trouver Héros et Demidieu en peinture. Le Dauphin est à peu près notre Prince George, hormis que l'un ne baise que la Princesse, et l'autre toutes les filles de l'Opéra sans distinction. Monsieur est une petite marionette d'une voix cassée, qui cause beaucoup et ne dit rien. Toute la Cour est sombre et triste ; la bigoterie et le ménage y règne à un point que les filles à genoux disent leur Paternostre dans les galeries comme dans un couvent, et les gardes du corps, mettant leurs armes à part, nouent des franges comme les filles en Angleterre.

" Il est sur ma foy impossible de vous exprimer, my Lord, la vénération qu'on a icy pour notre Roy et la haute estime qu'on fait de sa capacité. Ce qu'on dit sur ce chapitre, malgré toute la contrainte [où] on en est, fait un meilleur portrait d'un véritable roy que ce qui est peint pour tout Versailles et Meudon ; et les véritables témoignages qu'on donne de sa grandeur à peu près malgré eux font un panégyrique de Sa Majesté plus parfait que n'ont fait tous les poètes d'Angleterre.

" Le Roy Jacques et sa femme étoient dans cette ville icy il y a huit jours. Ils y partirent le même soir, après avoir fait leurs dévotions et leurs visites à Madame. Sur la mort de l'Electeur de Hanovre on dit qu'ils sont fort tristes et qu'ils commencent à parler assez durement du Roy de France, ce qui pourroit plus contribuer à leur éloignement de St. Germains que toutes nos remontrances." *Copy.* (XI. 23-24).

———— to [MATTHEW PRIOR].

169[7-]8, March 1. [N.S.] Livorne.—" Il y a quelque machination tramée à Rome par des gens qui sous prétexte de voyager poussent leur desseins avec succès : n'y ayant personne dans ce païs qui y veille, vu que ceux qui le devroient faire sont fort sujets à caution de ce côté là, les jeunes gens qui viennent icy et qui s'y établissent, se corrompent tant dans leur religion que dans la fidélité envers le Roy, et cela par les intrigues de cette maudite race de moines Anglois et Irlandois qui sont icy, à Rome, et à Venise. Ce sont des choses dont les conséquences sont très dangereuses, si l'on n'y prend garde. Le monstre en question partit il y a un mois pour Rome, où il doit aller prendre ses dernières instructions, pour de là s'aboucher avec les zélés qui sont à Venise, et puis passer en France, d'où ils s'embarqueront pour Douvres. Je le say pour le luy avoir ouï dire dans son monastère la veille

de son départ : il ne me soupçonnoit pas, ne sachant pas que j'entendois l'Anglois. Ils sont une bonne troupe pour le voyage, mais ils passeront les uns après les autres à Douvres, pour ne pas donner de l'ombrage.

"Je vous ferois bien le portrait du pèlerin : mais comme je ne l'ay vu qu'en habit de moine, il sera méconnoissable par son déguisement. Mais ce qu'il ne peut changer, c'est sa taille et sa voix. Il est de taille médiocre et déliée ; le poil et les yeux bruns et roulants ; la parole un peu bégayante ; la voix claire parlant bon François et Italien. J'espère que Dieu les fera échouer dans tous leurs desseins et entreprises, vous confirmant le contenu des précédents sur ce sujet, qui furent rendues à my Lord Portland." *Copy.* (XX. 51.)

James Vernon to Matthew Prior.

1697–8, Feb. 21 [– March 3]. Whitehall.—"I do not well know what you mean by straggling people coming from France that are not within the late Act of Parliament. You may be sure that all due regard will be had to my Lord Ambassador's pass ; but if any come over who are within the reach of the law, nothing can in strictness exempt them from the penalties of it but their obtaining His Majesty's licence under the Privy Seal. I send you a list of those to whom licences have been refused, and if any of those apply to you, you will hold your hand till His Majesty's pleasure be known whether he will allow of their coming over." (IV. 11.)

Matthew Prior to James Vernon.

169[7-]8, March 3. N.S. Paris.—"I have the favour of yours of the 13th February together with the trials and accounts of the merits of our rogues supposed here, of which I shall make use as occasion may require, though as yet I do not see the least glimpse of this Court being in a disposition to hear us on this head.

"I was yesterday at Marly to make my Lord's compliments to the Princes and Princesses of the Blood, and to ask their coaches for the entry designed to be on Sunday ; yet while these people receive and caress us, they do the same to King James. He and his Queen were at Marly the night before ; they supped with the Court and stayed there till almost midnight. The Princes of the Blood are at the bottom of their hearts in their interest. Madame de Maintenon, who is our good friend, is indisposed.

"I have likewise yours of the 21st, and will explain what I mean by straggling people. I mean Englishmen, who have been in a way of trade or service of private people here, and were actually in the kingdom before the beginning of the war, and have stayed here ever since, who now, being desirous to return home, ask a pass of my Lord, if such people and others, whom the proclamation does not forbid to return

into England, may have my Lord's passport in case they have a mind to come to you.

"I have written to you before concerning our messengers, and must repeat again that I have reason to be dissatisfied with the service of most of them. In general they have no money, and whenever we are to send away a messenger, my Lord must give him fourteen or sixteen *louis d'ors*. Cange, I have already informed Your Honour, went from hence for England the 5th of February, promising to return with the very first letters you should send from thence; he returned only the 2nd of March (last Sunday), and his staying in England thus long was the occasion of the packets lying at Calais: he brought us the letters of the 13th V.S., by which you see he was not over hasty in coming.

"Toms, the last expedition he made, went from hence the 19th February to Calais, and returned the 25th February, being, as you see, six days in the ways.

"Allen was sent from hence the 22nd with a written order of my own hand to make all expedition to Calais and return from thence with the letters he should find there, the same order repeated to him verbally by me before witnesses; yet he goes into England and is there I suppose till this time.

"Brown, the extraordinary messenger, does his duty, but for the three others it would be well for the King's service if the three hundred pounds were given to three others, who might be sent over to us and do their business better, for these three are not worth so many farthings.

"*Nemo miser nisi comparatus:* it is evident what people these messengers are, since a young fellow, whom my Lord sent from hence the 1st of March at eleven at night, returned from Calais the 5th at two afternoon. You will, I hope, endeavour to have this thing remedied.

"Since my hand is in at complaints, I must tell you that as to the designed entry to-morrow, some of our people squabble for places very frowardly and give this trouble about a trifle.

"We have no new letters worth Jimmy's transcribing, so he only copies bills of ranking our gentlemen and letters to-night."

Postscript.—"My Lord gives His Majesty an account that this Court would have obliged us to give place to the Duchess de Verneuil* as a Princess of the Blood, but that His Excellency persisting in it that he would rather desist from making his entry than yield, they have given up the point, contenting themselves to propose it as a rule that shall be observed for the future; so we are to squabble it out the next embassy we send." *Copy.* (XI. 25.)

* *Cf. Letters of William III. and Louis XIV.* ed., Grimblot, i. 206.

James Vernon to Matthew Prior.

1697–8, Feb. 25 [–March 7]. Whitehall.—"I think you have done very well to refuse Pigault's offers. We shall all

be taught soon enough what French civility tends to; one can't put a letter into their hands but they will be thrusting their nose and their eyes into it.

"I wish your news prove true that the French King begins to take a fancy to St. Germains air. They take care to have it understood otherwise, but I take it for granted, whenever King James removes, it shall be upon any other pretence rather than our soliciting it.

"I can't think Goodman was taken up for the reasons you mention. If such an inconsiderable fellow had been taken notice of for speaking ill of the King of France, they would have laid him up where he should not have come out so soon; but if he was seized as we suspect for the preservation of Lord Ailesbury and Lord Montgomery, they being retired to places of safety, the reasons were ceased for detaining the evidence against them.

"I can't yet find anyone to inform me of my Lord Stafford's case, but I take it for granted he is outlawed. I find three of that name on my list, viz.: Henry Howard, Esquire, Earl of Stafford, in the kingdom of Ireland [*sic*], and John and Francis Stafford, who, I suppose, are his brothers and have taken their mother's name. I hope you will take care that he have no pass, and if he comes hither on his own accord, he is to expect the treatment my Lord Clancarty hath had.' (IV. 12.)

THE MARQUIS OF WINCHESTER to MATTHEW PRIOR.

1697–8, Feb. 28[–March 10]. Dublin Castle.—"I received the favour of yours of the 11–21 instant, and am concerned that you had so ill a welcome to Paris as sickness, which I am glad you have got over so well.

"I cannot but be glad at the poverty you say you think is in France (notwithstanding the appearance at Paris is quite otherways), for that will keep them fast to their treaties, whatever other designs they may have. I never doubted their exterior civility to you, and I hope they will be real when you come to essentials, for I fancy the French want but a good excuse to get rid of King James; the breaking of his guards is a little ominous.

"I don't doubt but you heard as soon as we did how Mr. 'Mountigue' was attacked, and that he came off with flying colours.

"Here is no news to send you from hence but that five regiments came from Flanders the beginning of January, and eight more are ordered, of which four are arrived and the rest are expected every day, and two regiments of horse and one of dragoons are likewise coming hither; and to make room for these we have received orders for the breaking of nine regiments of foot, and one of horse, and the only one that is here, which was Brigadier Ousley's. I hope they will give these officers half pay as well as those that are broke in

England, else it would be very hard, they being broke to preserve other regiments who would have been entitled to that pay." (IV. 13.)

JAMES VERNON to MATTHEW PRIOR.

1697–8, March 2[–12]. Whitehall.—"I have acquainted His Majesty with what you write about persons that desire passports. The King thinks they should be given only to trading people who may be of some use when they come hither, but for other vagabonds, who are fit only to be carriers of messages and intelligence, they may as well stay where they are.

"I am sorry our gentlemen are more troublesome than serviceable whenever they come to public assemblies. I suppose you saw something of the same humour in them at the Congress." (IV. 14.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1697–8, March 3 [–13]. Whitehall.—"Exchequer bills are now seven pounds per cent. discount, which is a great loss to you, nor can I tell how you will be remedied but by lengthening an article in your extraordinaries.

"Madam Prior sent me word you had drawn a bill for 40*l.* on her, payable this month, which she had accepted. She pretends she wants money, and would have me to pay it. I sent her word I had no money of yours in my hands, only some few exchequer bills which would not be taken for bills of exchange; nor had I received any directions from you relating to it.

"I am glad to hear your health is so well returned that you begin to look after the ladies. I had a summons last week from Crown Court, where I found better entertainment than the last time when I waited on you. The lady shewed me a letter from our friend Mr. Stepney, which he had given my Lord Lexington, who came with Count Freiz (as she says) to her house." (VIII. 267–8.)

THE EARL OF DORSET to MATTHEW PRIOR.

[1697–8,] March 6[–16. London.]—"The messenger is just parting, and will not give me time to chide you for not sending me a more particular account of your health. I am no more a courtier, and therefore I hope you will believe I deal plainly and truly when I assure you that your welfare and happiness in all kinds is and always shall be one of my chiefest concerns. I could almost wish you out of all public affairs that I might enjoy your good company oftener, and share with you in that ease and lazy quiet which I propose to myself in this later part of my life either at home or in some warmer climate.

"If there be any good cuts of the pictures in the King's closet or of the buildings at Marly, pray make up a box of them and send me punctual directions how to return you the

money for them, or any other baubles that I shall desire you to buy for me.

"There is a design here afoot to make Gresham College less ridiculous and more useful than it has been; therefore pray let me know exactly what the new regulations are in the Royal Academy *des Beaux Esprits* at Paris." (IV. 15.)

MATTHEW PRIOR to JAMES VERNON.

[1697-8, *circa* March 16. N.S. Paris.]—"Before this comes to your hands you will hear of Count Tallard, who stayed some days at Calais, not venturing to embark because of the ill weather and contrary winds that have blown there.

"The Jacobites are rare fellows, yet my Lord Portland and the Maréchal de Boufflers are as great friends as is possible for two men in their characters to be.

"There is two hundred men about St. Germains, and as many about this town of King James' Guards, which I have told you were lately broke; they are starving and swearing against the King of France and their old master.

"They have heard at St. Germains what my Lord has endeavoured towards their being removed: the Duke of Berwick and his myrmidons threaten us with sword and fire, which, I think, is as wisely thought and is as likely to do them good as the usual methods they have. Mr. Aglionby is at Calais regulating the posts. I have sent him what I had by me relating to that affair.

"Mr. Stepney told me before my leaving England that his Board had laid a state of our trade with this kingdom before His Majesty. My Lord desires a copy of that paper may be sent to us."

Postscript.—"Count de Grammont having given my Lord the enclosed case of his daughter, the Lady Stafford, His Excellency desires to know what may be done in it. I do not send you the copy of two Memoirs we gave in yesterday to Mr. Pomponne, one for release of prisoners, the other of ships, His Excellency having enclosed them in his packet to the King. You will, I presume, have them from His Majesty." *Copy.* (XI. 32.)

MATTHEW PRIOR to the EARL OF ALBEMARLE.

[1697-8, *circa* March 19. N.S. Paris.]—"Depuis que je me suis donné l'honneur de vous écrire, nous avons fait tous les tours de passe-passe d'ambassadeur, et rendu visite à tout le monde depuis Louis le Grand en personne jusqu'au représentatif de notre bon allié le Duc de Savoye. L'entrée et l'audience sont si bien mis en œuvre dans la Gazette que les politiques en doivent être parfaitement contents. Vous me dispenserez, my Lord, si je vous épargne le récit. Les badauts trouvent nos chevaux beaux et notre équipage fort leste et nombreuse, mais ils objectent aux carrosses qu'ils ne sont pas assez magnifiques pour l'occasion, et peut-être ils ont raison là.

" L'autre jour que my Lord étoit à St. Clou[d], Monsieur le fit voir sa belle maison, et le laissa après avec Madame, s'excusant de ce qu'il étoit obligé de sortir : il l'étoit en effet, car un moment après il monta en carrosse pour rendre visite à la Reine Jaquette à Chalieux [Chaillot], maison religieuse proche de Paris, où elle faisoit alors ses dévotions. Enfin cette Cour ne se dément point ; et quand les François deviennent gens de bien, je croiray que leur église a le véritable pouvoir de faire des miracles.

" Je suis informé que les préparatifs à Toulon sont fort considérables, les troupes qu'ils gardent sur pied fort nombreuses ; et la santé du Roy d'Espagne presque désespérée . . . . tout cela bien considéré, je vous laisse à penser, my Lord, si la paix sera de longue durée. J'espère que nous ne nous endormons point. J'ay écrit sur ce sujet aux plus puissants de mes amis en Angleterre.

" Il est certain que la France est bien honteuse de la Paix qu'elle vient de faire : les prêtres et les bigauts nous haïssent au dernier point, et c'est assurément avec beaucoup de plaisir que je voy que l'habileté des ministres n'est pas si grande que la malice du peuple. Pontchartrain est universellement décrié comme qui l'entend les finances le moins et qui ruinera le plustôt. Torsi n'a point de génie : tout son mérite est d'être né Colbert, et d'avoir épousé la fille de Pomponne. Ce dernier a la réputation d'honnête homme, et il est reconnu pour le premier ministre après la Maintenon (cela s'entend toujours). C'est prodigieux que le pouvoir de cette vieille gouvernante sur l'esprit de son pupil royal de soixante. Il n'ose rien faire sans elle, ni luy refuser tout ce qu'elle veut. Il y a quelques jours qu'un petit employ fut donné par l'intercession de Mons. de Torsi à un de ses amis : l'ordre étoit dépêché, et l'affaire comme faite : un autre s'addressa plus heureusement à la Maintenon : elle envoye sur le champ un valet de chambre seulement au secrétaire, et dans un quart d'heure tout estoit changé : la première commission estoit anéantie et une autre présentée au Roy pour être signée en faveur du dernier suppliant.

" Je ne sçay, my Lord, si vous avez vu le lamponne inclus. On s'attendroit à quelque chose de meilleur sur un si bon sujet, mais je ne sçaurois dire par quelle fatalité l'esprit est assez rare à présent en France, et dans une infinité de livres de vers et de lettres qui courent Paris, il n'y a guère qui vaillent la lecture : ce quadrain doit être excepté du nombre :—

' Faire un Electeur de Cologne,
Rétablir Jacques détrôné,
Donner un roy à la Pologne,
Sont les hauts faits de Dieudonné ' " *Copy.* (XI. 34-37.)

Matthew Prior to Dr. [William] Aglionby, at Calais.

169[7-]8, March 24. [N.S.] Paris.—" I am very much obliged to you for your letter of the 10–20 ; I am so too of another

of a former date, and should have told you so, but that you said you were running from Calais without adding whither, and it is not every man's talent, you know, to shoot flying. Now I know where you are perched I do not defer telling you I am yours, I think so I mean, for in my gallooned coats and the hurry that attends my noble post I hardly know myself.

"We go to Versailles to-morrow morning—*nota bene*, that I write this at midnight. I have asked for the paper you require, but do not find any such printed. Mr. Robeton, my Lord's Secretary for French Affairs, will give you a more exact account of that commission before the post goes, since (as I said) I am obliged to wait on my Master to Court.

"Your application of the passage in Horace is so pretty that one would almost die for it, yet I am so dull but to think your *occidit* a damn'd verb, and am, I think, like to live a good deal longer, notwithstanding all the fine things you can say of me in a winding-sheet. *A living dog is better than a dead lion* is, I think, the very wisest saying of the wisest fellow that ever lived.

"One word, as the parsons say, and so conclude. It was what I once writ in my Mézeray when I was reading that book, and splenetic and ill:—

"Yet let me live and I would lie,
And growl, and whine, and scratch and cry
On dunghills lousy and besh . . . . n,
Rather than decently to die,
To have been either Mézeray,
Or any monarch he has written." *Copy.* (XI. 30.)

JAMES VERNON to MATTHEW PRIOR.

1697–8, March 23[–April 2]. Whitehall.—"I have your letters of the 26th and 29th to acknowledge. . . . I wish you had better news to send us from Spain."

"I have not seen Mr. Attorney to know his opinion upon Count Grammont's case, but it seems to me that, the son-in-law being outlawed, he may as well jointure his lady in Utopia as in England, and if that be his case, I know no relief she can have but by the King's bounty." (IV. 16.)

MATTHEW PRIOR to the EARL OF MANCHESTER.

169[7]-8, April 4. [N.S.] Paris.—"I hear from the Venetian Ambassador here how you are esteemed among the best there, which one loves to hear confirmed by strangers, however sure one was of it before.

"We have played all our tricks except the great one of getting King James a little further, which I do not know if we shall accomplish. However, we have the remedy in our own hands, and if these people will not give us the satisfaction of knowing, or at least of thinking they are far enough from us not to do us any harm, I see no reason why we should give them fifty thousand pounds *per annum*, which may be as well employed in arming against them.

"Mr. Stanhope sends us word that it is impossible the King of Spain should live long, having lost his forces and the small share of sense which he had before his illness. The Court of France is far from being asleep on this occasion; I hope we shall not be so neither. I do not write on this head more amply because these people have a very familiar way of breaking open our letters, as possibly Your Excellency may see they have these, if you take the pains to look upon the seals.

"My Lord Ambassador is gone this morning out of town for a day or two, upon a voyage of pleasure, as we give it out; but it is really to see Prince Vaudemont, who comes within 30 leagues of this town on his way to Milan.

"This Court is so melancholy and bigot that the news of it is hardly worth sending. That which makes most noise in it, and which would make more in any other court of Christendom, is the marriage of Madam Maintenon's niece with the eldest son of the Duke de Noailles. Madam Maintenon received the compliments of the Princesses and ladies on this occasion in a very extraordinary manner. She was in her bed; the Duchess of Burgundy came into her chamber, had a chair set for her, but did not sit; all which mummery was concerted beforehand; and consequently the other ladies could not sit whilst the Duchess stood. Thus, my Lord, this woman is a *je ne sçay quoy*, which everybody reasons of as he thinks good, and of whom nobody can determine what character she really has." *Copy.* (XI. 39–41.)

MATTHEW PRIOR to [DR. WILLIAM] AGLIONBY.

1698, April 9. N.S. Paris.—"My Lord understands it that our putting down the Corunna packets was the condition we were to yield to in case the French came to reasonable terms; and if they do so, we cannot well insist upon their being kept up."

Postscript.—"I have chid your messenger. I envy his dining with you, and should have used you better, because I know you better. I would send you the first fable in Æsop, *Gallus gallinaceus*, in verse upon this subject, if I had time." *Copy.* (XI. 42.)

MATTHEW PRIOR to JAMES VERNON.

1698, April 9. N.S. Paris.—Informing him that Lord Portland went on the 4th to Notre Dame de Liesse to see Prince Vaudemont, and returned yesternight.

"Young Grimes [Graham], Rene's [Reginald's] son,"* intends to go to England, although Prior has refused to give him a passport as he has paid a visit to St. Germains. He went from England to Holland at the time of the late treaty with a letter of recommendation from Sir William Trumbull, who is a neighbour of his father.

* *Cf.* Buccleuch MSS (Hist. MSS. Comm.) II., I. 163.

Sir Francis Leicester and Mr. Kenyon, a fellow of St. John's College, Cambridge, are at Paris. Both are Jacobites, and have been given to understand that passports for England, if applied for by them, will be refused.

Hugh Hugan has informed Prior and Portland of "a dangerous design a carrying on," and will be sent at once to England. "We cannot be too wary of looking who comes from hence: the party at St. Germains were never in so good humour." *Copy.* (XI. 43–45.)

Matthew Prior to Charles Montague.

1698, April 10. N.S. Paris.—"Our visits of ceremony are over, and my cough is going off. One would not die in this country under the circumstances of debt and heresy; the last indeed is purely my own concern, and I shall take care to adjust it, but the first regards you, and all the good resolutions I can take will signify very little except Mr. Powys be enabled to furnish the first quarter now expired or some of my arrears in ready money or equivalent; for in short the three hundred advance-money is no more, and my all is in the Treasury. I care for no more than will keep me till I come home from France: *Cætera Divis;* I will fare as other people do, and never presume upon the friendship with which you honour me to plague you with complaints and petitions.

"You will judge with what satisfaction I hear of the glorious figure my Master makes in the House of Commons.

"*Hac arte Pollux et vagus Hercules.*—I have a good mind to translate an ode to you of Virtue, Fame and Demigods, for I will swear you carry it very high. Is it not enough to discourage injustice and extortion privately, but that you must strike at it openly in the face of all the world and in the person of its chief Dagon? and could you not be satisfied to be esteemed an honest man and a good patron without having it attested by a whole nation and a kind of law made to tell it to posterity? Jesu! what strides you take, and with what pleasure do I talk of Mons. de Montague to the Torcis and Pontchartrains here!

"These people are all the same, civil in appearance and hating us to hell at the bottom of their heart: they assure us one day of the continuance of their friendship, and tell King James next they will never forsake him or let him go further off than St. Germains. They have a great eye to their naval preparations, as well at Toulon as at Brest. There will be a review made at Compiègne this summer of about 40 battalions of foot and 130 squadrons of horse and dragoons.

"They are constantly informed of the King of Spain's estate by extraordinary couriers, and, according to the best accounts we have, that Prince cannot live many months.

"Madam Maintenon is our friend and will keep the Peace, if possible, as she made it, not out of any kindness she has

to us, but from a notion that the King's engaging in business impairs his health. 'Tis incredible the power that woman has; everything goes through her hands, and Diana made much a less figure at Ephesus. Her niece had t'other day in money and jewels with the Duke de Noailles' son a better fortune than a daughter of France had formerly; and the aunt received the visits of the Court upon it in bed, it being concerted that the Duchess of Burgundy should have a chair set her and refuse to sit, excusing herself upon the shortness of her visit, and that, the Duchess not sitting, the other ladies and princesses could not pretend to it." *Copy.* (XI. 47–49.)

Matthew Prior to James Vernon.

1698, April 16. [N.S.] Paris.—Further news of the supposed plot. Has been informed "that the Irish at St. Germains were never in so good hopes as now; that one Graham" has "said that King James would soon be restored again; and that four persons are going for England from St. Germains by the way of Holland, one of which is Mackarty, who was a lieutenant under Parker, has a blemish upon his eye, and is called from that Blind Mackarty." *Copy.* (XI. 49.)

Matthew Prior to [Alexander] Stanhope.

1698, April 17. [N.S.] Paris.—"I have been so long in the Northern Province as almost to forget there was a south, and whilst I was at The Hague and heard from Stockholm or Copenhague how the King of Sweden or Denmark did, I left the King of Spain to shift for himself, and only enquired of our friends at Brussels what news they had from you concerning him; but now, Sir, that I have changed my side I must beg you would be pleased to adopt me for a correspondent, at least as long as I am here; and that your letters for England may pass quicker by this way than by that of Holland. I make no excuse for my silence whilst Mr. [James] Stanhope was here, for he promised to keep up the correspondence and to assure you of my great respects, and though he be so good a soldier that writing may not be thought properly his talent, I am sure I would never desire a better second for the pen than he is.

"You will doubtless have heard from other hands, or else I would not trouble you with it, of a misunderstanding which happened between my Lord Ambassador and him. I am sorry he resented anything ill after having been treated with all kindness from my Lord. But he is of age, let him answer for himself, and I have business enough of my own not to meddle with anybody's else, though I have a friendship for Mr. Stanhope which makes me wish that whole matter had been otherwise." *Copy.* (XI. 51.)

MATTHEW PRIOR to JAMES VERNON.

1698, April 17. N.S. Paris.—Stating that Hogan on his way to England met three persons at Boulogne from whom he believes that he can extract the whole secret of the plot. He is therefore directed to go to England with all speed and visit Vernon "by night, and with all imaginable secrecy, to keep company with these persons till he knows the bottom of their design, and is sure of his affair, and to take" Vernon's "direction for the rest." *Copy.* (XI. 54.)

JAMES VERNON to MATTHEW PRIOR.

1698, April 7[–17]. Whitehall.—"I received your letter of the 10th inst., which I sent that night to Newmarket, the King being gone thither. Mr. Yard will let me know what directions His Majesty shall please to give as to passports, but those concerned should be informed that, if they are liable to the law and have been in France since December, [16]88, without leave, a passport will not exempt them from prosecution, but the Act requires they should have a licence under the Privy Seal to return; and I do not doubt but such as His Excellency shall think fit to recommend will obtain it. I think there ought to be the least scruple about artificers and manufacturers, if they have not given any notorious marks of their disaffection, but are like to betake themselves peaceably to their callings."

"I send you . . . Sir Charles Hedges' report upon the petition of the poor ransomers, which hath been laid before His Majesty at the Cabinet Council. . . . . It would be much the best and speediest way if the French would release them upon the reasons Sir Charles gives of their having taken them as hostages contrary to the French King's *ordonnances*, but those, I am afraid, they will interpret for themselves and in favour of their own rogues. . . . . Sir John Lowther, of Whitehaven, hath taken a copy of what relates to his town, and he will write to his merchants to use more conscience. Sir James Ogilvie, the Scottish secretary, thinks it is in their power to relieve the Glasgow man. I still lack to find some just and charitable people at Liverpool and in Wales, and do not yet despair of it." (IV. 17.)

JAMES VERNON to MATTHEW PRIOR.

1698, April 10[–20]. Whitehall.—"I have desired my Lord Duke to let me know His Majesty's pleasure about Lord Iveagh.

"I have not yet seen Hogan, whom you mention. When he comes to me, we will make the surest work we can of seizing his companions. We have had a great many alarms of late of designs against the King: I wish we could lay hold on some that have been tampering that way, we would so drive it through all the parts of the discovery, that I hope

we should make the Jacobites repent their meddling and spoil their uppishess." [*sic*] (IV. 18.)

THE POSTMASTERS GENERAL to the EARL OF PORTLAND.

1698, April 11[–21]. General Post Office.—Informing him that they have sent Mr. Aglionby to Calais to treat with Mons. Pajot, Farmer-General of the Post Office of France, for the re-establishment of the correspondence between the two kingdoms; and that Pajot will consent to a treaty on the basis of the old treaty, provided that the service of packets to Coruña be discontinued; otherwise he insists on a renewal of the high tariff made in the treaty of 1676. He pretends that the Coruña service is an innovation, and prejudicial to his own interest as preventing letters to Spain and Portugal from passing through France, whereas the intention was "only that each Office should endeavour to hinder and prevent the setting up of any private boats, or other ways of conveyance of letters, to the prejudice of either Office . . . . This Office did pay *communibus annis* to the Post Office of France 39,000 *livres*, so that Mons. Pajot cannot complain but that he gains very well by the English letters," and they do not think he will be any loser by the Coruña service, "for the merchants will generally write through France as being a more certain conveyance, and if any of them shall write by Coruña, we believe even they will send duplicates overland."

Portland is further urged to endeavour to obtain a renewal of the privilege formerly enjoyed by the packet-boats of entering Calais free from the duty of tonnage: and to communicate his answer from the Court of France to Mr. Aglionby, who cannot otherwise proceed with the treaty. *Signed:* R. Cotton. Tho. Frankland. (XX. 38.)

The DUKE OF SHREWSBURY to MATTHEW PRIOR.

1698, April 14[–24]. Newmarket. — "The King being pleased at my Lord Portland's desire to recall him from his extraordinary embassy in France, His Majesty commands me to let you know that 'tis his pleasure you continue there as Secretary of the Embassy till you receive His Majesty's further orders." *Signed.* (IV. 19.)

MATTHEW PRIOR to the EARL OF DORSET.

1698, April 24. [N.S.] Paris.—"I cannot positively determine if my not having writ sooner to Your Lordship be a sin, but I vow I am as penitent for it as if it were. I have been so ill that I thought myself going out of the world, but this is but a bad excuse for not writing to him who gave me the means of coming into it with any credit; and to say I have had business is only to confess I have written to a hundred indifferent people, and not done so to the beloved patron for

whom I have the most inviolable esteem and respect. As to the public, the King of Spain's illness and the measures this Court will take upon his death makes all the discourse here, the preparations as well at Toulon as at Brest show these people have a watchful eye in case the thing happen, though I believe they wish as heartily as we that he may live some time longer. The King particularly has no mind to enter into a new war, and Madame Maintenon (our good friend) increases that pacific humour in him by telling him that all business is destructive to his health. He is so attentive to this doctrine that he has said, if the King of Spain dies, he leaves the succession to be determined by the Council, whose determination he will not oppose by way of arms, except they give it to the Emperor's second son. In the meantime Madam Maintenon governs him as absolutely as Roxalana did Solyman. He lives at Marly like an Eastern monarch, making waterworks and planting melons, and leaves his bashas to ruin the land, provided they are constant in bringing in their tribute.

"Our neighbours at St. Germains speak mighty confidently of returning home to England; it seems as if they had some new villainy forging. We have had some advice of that kind, imperfect, some false, but such after all as makes us extremely apprehensive of everything. The Melfordians and Middletonians, who are the Whigs and Tories of that Court, are always fighting. One Beaujer, one of the former faction, killed Crosby (who was tried some time since in England for high treason) in a drunken quarrel the other day in this town, and though these people all together make little more than a private family, they have as much faction and folly amongst them as we can have in England for the heart of us.

"I am much better in health, or if I were dying, the satisfaction of so kind a letter from my Lord Dorset would more revive me than all the drugs they could give me. I am much obliged to Doctor Lister; he took extraordinary care of me as of one whom he knew Your Lordship had favoured and protected; and as matters stand at present, I hope I may go on some years longer to show the great obedience I owe your commands, and the entire veneration and (if I may dare to say so) the perfect friendship I have for Your Lordship and your family."

Postscript.—"The prints say poor Sir Fleetwood is worse, for which I am extremely sorry." *Copy.* (XI. 62–64.)

Matthew Prior to the Earl of Albemarle.

1698, April 24. N.S. Paris.—"J'espère que vous serez en bonne santé de retour de Newmarket, que votre cheval y auroit gagné le cours, et que vous ayez été heureux au jeu: a t'on pu pousser ses vœux plus loin pour un homme, pendant qu'il étoit en ces quartiers là?

"Dans ma dernière lettre je pris la liberté de vous entretenir d'un certain Hogan: j'ay averti le Secrétaire d'Etat de ce. J'en ay sçu depuis, que l' homme nous a dit avoir trouvé à Boulogne les gens dont il s'agit, et qu'il y est allé se joindre à eux et les tenir compagnie en Angleterre. Depuis ce tems là il nous vint un autre qui prétendoit découvrir quelque chose de pareil, mais tout ce qu'il fit ce dernier, c'étoit d'excroquer my Lord de 60 pistoles, et de disparoître fort adroitement. Si la conspiration de Hogan ne nous menace de rien qui soit plus atroce, je seray fort content de vous avoir écrit une impertinence: et pourvu seulement que la personne sacrée du Roy soit en sureté, que le Privy puisse souffri[r] et que nous soyons un peu duppés, il m'importe peu. Ce qu'il y a de certain est que ceux de Saint Germains paroissent joyeux plus qu'à l'ordinaire; ils ont à leur commandement assez de gens désespérées et prêtes à tout faire, et par mille marques et mots qu'ils laissent échapper ils font entrevoir comme s'ils eussent quelque chose sur le tapis dont on ne comprend pas le mystère, de sorte qu'on doute et qu'on craint sans sçavoir pourquoy: vous connoissez trop bien mon cœur, my Lord, pour croire que je ferois ma cour en affectant de paroître le zélé, mais sérieusement il y a plus du Diable dans l'âme de ces gens, qu'on ne croiroit, et on ne peut pas trop dire que c'est à vous, my Lord, qui êtes auprès de Sa Majesté, et qui êtes au degré même de son amitié, de luy faire souvenir qu'elle doit garder avec soin la vie sur laquelle dépendent celles de tant de milliers.

"Je suis averti que Parker, Berkely Byerly, Birkenhead et quelques autres de ces infâmes homm'es sont icy incognito. Un nommé Beauger, escuyer et favori du Duc de Berwick, tua l'autre jour Crosby qui étoit accusé il y a quelque tems en Angleterre du crime de haute trahison; c'étoit une querelle du parti; Crosby étoit Middletonian, l'autre Melfordian; c'est à peu près notre Whig et Tory. Assez de la tuerie, je passe à d'autre chose.

"Mademoiselle Florence de l'Opéra (on ne disgracie trop la famille en la nommant) eut la bonté d'accoucher l'autre jour d'une fille. Le Duc de Chartres est amoureux de cette fille depuis environ deux ans. Monsieur et Madame témoignent vouloir prendre soin de l'enfant, et on ne doute guère qu'avec le tems il soit légitimé et mis au rang des Princes du Sang: belle visite à faire à quelque successeur de son Excellence!" *Copy.* (XI. 65–67).

Matthew Prior to Charles Montague.

1698, April 25. [N.S.] Paris.—"Since I did myself the honour to write to you, Mr. Herbert arrived here and gave me your letter; he could not bring a better to entitle him to all the civilities I can possibly show him, though as yet I have scarce begun to show him any, having been taken up

with foolish princes as to their visits, and squabbling if one is to go over the threshold with them, or stand just on this side of it.

"I have done what I never dared do in my life before, that is, sent you a dunning letter; I leave the success of it to Mr. Powys and should not have mentioned it but to ask your pardon for having written it. I believe our stay in France will be longer than we thought, which is the reason of my continuing in the doleful tune of:—'Good Your Honour, for God's sake, enable Mr. Powys to help me, for in my present circumstances I could not play at loo for sixpence a dozen, or shall be able to bring home Mrs. Barton the newest fashioned baby!'

"As to serious affairs, this Court will be ready in case the King of Spain should die, though I think they are very far from wishing it should happen soon. The King of France pretends he will leave it absolutely to the determination of the Council of Spain, except that determination gives the crown to the second son of the Emperor, in which case he will have recourse to arms.

"Our friends at St. Germains are in great hopes (God knows upon what those hopes are founded) of seeing better days yet: they count upon a great many friends in England, and are satisfied that, our armies broke, we shall not be in a condition of resisting such a body of men as they are sure the King of France will send them to land upon us. The Middletonians and the Melfordians, who are the Whigs and Tories, fall out every day: one Beaujour, Major to the Duke of Berwick, killed Crosby t'other day, the man who was tried some time since in England for treason.

"All the nest of rogues are here, Barkeley, Parker, Bryerly, Birkinhead; they threaten nothing but blood and slaughter, but of this I write to Mr. Secretary. I will trouble you no longer on this head, lest you may think my poverty has brought me into ill company, and that I date my letter from the Irish house where these people meet." *Copy.* (XI. 60.)

Matthew Prior to James Vernon.

1698, April 25. N.S. Paris.—"The King of France was yesterday hawking upon the plains by St. Germains with King James and him they call the Prince of Wales. Some of our young gentlemen had the curiosity to go out to see them.

"My Lord James Cavendish met the Duke of Berwick, Mr. FitzJames, whom they call the Duke of Albemarle, and my Lord Middleton in a visit yesterday at the Count de Grammont's: and for all our good treatment wherever we come, I do not find but that the t'other party is received with equal civility."

"Sir Charles Hedges' report upon the case of the poor ransomers is admirable, if His Majesty's power in France

were as valid as his title to that kingdom, we think, is: but as matters stand, it is fitter for a flourish in a book than for practice in reality: for who shall interpret if these people were taken out of their ships upon stress of weather or not? Who shall teach the French the unreasonableness of their taking ransomers, whilst they are to be convinced it is so because we lose by it? or at last who shall stand juratory caution for those people when their owners have abandoned them? I hope your method may succeed, and these poor people may find relief by the care the gentlemen you name will take to find out and oblige these owners to the common duties of humanity: for really an English Ambassador would make but a very bad plea from any topics I have yet seen from Doctors' Commons.

"Mr. Stock, from Dover, writes me word that they carry people before the magistracy there, if they land from France without passports; indeed too much care in that kind cannot be taken, and I could wish . . . . that I had direction from Mr. Yard if every Englishman that goes from France, be he good, bad, or indifferent, shall be obliged to have my Lord's passport, that we may act accordingly; and though His Excellency may not stay long, that he may give a fixed rule to his successor.

"My Lord tells me he mentions to you the affair of Davis: if there be no real design against His Majesty, I wish Hogan may deal with us in like manner." *Copy.* (XI. 68–70.)

Arthur Podmore to Matthew Prior.

1698, April 16[–26]. Dublin.—"Since you are pleased to give me leave to trouble you, it may not be improper to give you this account, that the profits of your office from the entrance of the present Lords Justices to the 31st of March last . . . . amount to no more than 666*l.* 13*s.* 6*d.*, which is in the hands of Mr. May, and perhaps will be thought much short of what might be expected in almost a year's time, and what in common opinion the place is esteemed to be worth; but considering that the Government has not power to give commissions to the army, which was the greatest advantage to the Chief Secretary in times past, that much of the office business is diverted and many of the fees reduced from what they were, it will not seem strange that no more has been made in so long a time. There has been no neglect of attendance or want of care that might occasion the least decrease." (IV. 20.)

Matthew Prior to the Earl of Albemarle.

1698, April 23 [–May 3]. Paris.—"Je dois rester icy après my Lord Portland jusques à l'arrivée d'un autre ministre. C'est un grand honneur, je l'avoue, d'estre icy, si ce n'étoit que pour vingt-quatre heures, de la part de Sa Majesté; mais

quand ce successeur seroit nommé demain au matin, il ne pourra venir en moins de trois mois. En attendant votre ministre par interim fera très mauvaise figure, si l'intercession de my Lord Albemarle ne lui procure quelque augmentation à son 40*s.* par jour. Jusques icy j'ay fait une dépense honnête en égard à la dignité de la commission du Roy, mais il me sera impossible d'en user de même quand je ne pourrai plus recourir à la table de Milord Portland, et il ne sera pas comme il faut de chercher mon dîner à l'auberge, ni d'aller à pied aux ministres : et il ne sera ni pour l'honneur du Roy ni pour ma propre satisfaction de faire voir à tout le monde icy que cette grande ambassade de 80 lacqués s'est dégénérée tout d'un coup dans un Secrétariat qui à peine en pouvoit soutenir deux. Je ne plaide pas icy ma propre cause, my Lord, car cecy ne sera pas pour long tems, et je suis assez philosophe de me contenter de fort peu, mais la grandeur du Roy, et les habitudes que j'ay contractés icy demandent que je sois un peu en état de déclarer que je n'étois pas secrétaire de Milord Portland mais de son maître. Voicy l'affaire, my Lord. Vous vous intéresserez si vous le jugez raisonnable. Stepney à Dresden avoit 4*l.* par jour sans le caractère d'envoyé ; il en a cinq à l'heure qu'il est en Prusse. Cresset et d'Hervert en ont autant à Zell et en Suisse. Je ne dis plus mot. Je suis tout à Sa Majesté, et croyray toujours cela plus éligible qu'elle ordonne plus facilement. My Lord Portland est convaincu de l'impossibilité de faire la chose bien sur le pied où elle est : il me promet même d'en écrire au Roy, d'en parler, de le faire, et tout ce qu'on voudra, mais on oublie quelque fois les choses où on n'est pas visiblement intéressé.

" Nous revinmes hier de Versailles, et fûmes l'autre jour dans les jardins avec le Roy, qui promena my Lord par tout. Si c'étoit un compliment fait à my Lord par Sa Majesté ou une ostentation de sa propre grandeur, qu'importe il ? Elle fit sçavoir à son Excellence qu'elle avoit inventé et ordonné tout, qu'elle en avoit dressé les plans, mis en diverses rencontres les architectes à la raison, et à force de dire cecy souvent sans avoir été contredit, à la fin je pense qu'elle commence à le croire. Monsieur étoit obligé de confirmer tout ce que son grand frère disoit, et une demi-douzaine de cordons-bleu y faisoit le chorus, et faisoit remarquer à nous autres combien *gracieux* étoit leur Roy chaque fois qu'il fit à quelqu'un de nous autres la moindre inclination de tête. *Gracieux*, par parenthèse, est le mot à la mode : un homme est *gracieux*, c'est à dire honnête ; une femme est *gracieuse*, belle ; on chante, on mange et on joue *gracieusement*.

" Messieurs d'Odycke et de Heemskerk ont dîné aujourdhuy avec my Lord : Droft et Olderson sont venus comme jeunes gens pour l'honneur de l'ambassade.

" My Lord Anglesey est icy. Je tasche de le gagner autant qu'il m'est possible aux intérests de la patrie, qui sont ceux

du Roy. Il revient beaucoup de ces sentiments Jacobites où il estoit : il sera bon aussi qu'il trouve une réception favorable à son retour à la Cour, car il a de bon sens et sera capable de faire ou du bien ou du mal. Je l'ai prévenu, my Lord, mais selon la vérité, en ce qui regarde votre caractère et personne. C'est aujourdhuy le jour de Saint George, nous avons tous nos croix rouges aux chapeaux ; et quand je boiray le soir à la santé du souverain de cet Ordre, vous permettrez que j'y ajoute la vostre, et d'espérer de vous voir bientôt revêtu de cet habit à la Chapelle de Windsor." *Copy.* (XI. 73–76.)

JAMES VERNON to MATTHEW PRIOR.

1698, April 27[–May 7]. Whitehall.—Requesting him to send the originals or at any rate copies of the protocols and ratification exchanged at Ryswick.

"Sir Joseph Williamson hath something of the old chicane running still in his head, and he is not yet satisfied that the French ambassadors dealt ingenuously with you when they maintained that the original treaty offered by them and signed by both parties at Breda was in French. That being in their own custody, he thinks it may be no difficulty to get a sight of it, and that it would be of use for reviving or putting an end to this dispute hereafter. I do not believe they will show that instrument to you directly, especially if it be in another language than what their ambassadors affirmed, but I do not doubt you will find other ways to be satisfied in the point.

"If there be any of the protocols still wanting that you think may be of use to us, Sir Joseph says he can yet procure them, Mons. Lillierode being stopped for some time longer at The Hague." (IV. 23.)

MATTHEW PRIOR to JAMES VERNON.

1698, May 17. [N.S.] Paris.—"My Lord will have his audience of *congé* on Tuesday next : how long he will stay *incognito* after I cannot tell, but the King has, I hear, invited him to see Marly the 4th of June, and I believe he may be here long enough for him to accept the invitation. My Lord Manchester arrived here on Sunday last the 11th, and went on Thursday with my Lord to Versailles ; the King received him very kindly and talked very freely with him, desiring him when he took his leave to make his compliments to the King his Master, which the courtiers who magnify everything here look upon as extraordinary, my Lord Manchester not having credentials to this King, and consequently to be looked upon only as a stranger here. We are receiving and returning visits of ceremony, from which we are to get out to-day only, and to begin those of parting, which is playing the same tricks over again, after Tuesday, and these, whatever my Lord resolves, will not be over so soon as is talked of.

"For all the civilities we receive here, they hate us heartily I heard an oration pronounced on Thursday at the Sorbonne by the Rector of the University which was rather a panegyric upon King James than upon the King of France; so bigoted these people are and so well affectioned to a Prince whom [*sic*] they think has suffered for the good old cause: there were some unmannerly expressions in it of our King, but such as by making him the chief of the united Princes of Europe, the head of the councils and armies of the heretics, etc., did His Majesty more honour than he really intended him.

"You shall have by my Lord Portland an entire journal of our embassy, or else it would be hard, for we have two or three secretaries to compose it: and I shall likewise return you by His Excellency the copies of the protocols of Ryswick as complete as I could get them, though I own the having them to my Lord Jersey chiefly: Sir Joseph, I have told you, always managing his papers like his gold, he may, and doubtless has them more perfect, but I doubt if you will ever see them except you make him open his books as you do the East India Company by an order from the House of Commons.

"If in the meantime you would have recourse to my papers, my Lord Jersey will let you see his, His Excellency (one may now call him) having copies of everything.

"I am pumping Callières to get a sight (among other papers) of the original Treaty of Breda.

"I have not heard one word from Hogan."

Postscript.—"My Lord this moment tells me of the manner of Count Tallard's receiving you. In all our visits to the Ministers, the Duke de Beauvillier, Mons. de Pomponne, Mons. de Pontchartrain, etc., these gentlemen received my Lord in the vestibule or *salle* near the steps, and almost as soon as my Lord was out of his coach, gave His Excellency the hand, the door, and the *fauteuil*, the gentlemen going out as soon as my Lord and the Ministers were seated, the Minister reconducting my Lord to his coach and staying to see it go. My Lord did the very same thing to these Ministers when they returned the visits, the ceremonial being on both sides upon an equal level. His Excellency writes to you himself upon this subject, and I hope this advertisement comes soon enough for you to give the *lex talionis* to the French Ambassador." *Copy.* (XI. 80–83.)

James Vernon to Matthew Prior.

1698, May 8[–18]. Whitehall.—"I have moved His Majesty about the augmentation of your allowance, which he is willing to do, but would not have it by a new privy seal, which is to make a precedent for others to pretend to it whom he may not have the same reason to gratify. If you can think of any other way you will let me know it, and in the meantime I will advise with the Chancellor of the Exchequer about it.

"I have heard nothing of your Hogan. Pray take as much care as you can that we be as little bubbled by these people as is possible. My son will desire your advice and assistance concerning one of them whom I engaged with as hoping he might be useful. You will be the best judge what he can perform, and consequently what he will deserve, and I shall do all that is fitting on my part." (IV. 26.)

MATTHEW PRIOR to CHARLES MONTAGUE.

[1698, May 21. N.S. Paris.]—"Of all my correspondents you are certainly the best, for you never write to me, yet *do* always what I beg of you. I am extremely obliged to you for the two last hundred pounds, which, I hope, will serve till I know what they will do with me. You will see that, my dear Master, sooner than I. They order me to stay here till another ambassador comes, and my Lord Portland has written in my behalf to the King to have the 40*s.* augmented. This other ambassador being my Lord Jersey, I believe I may stay much longer than is thought, which is an admirable reason why I insist much more earnestly than otherwise I should have done upon this augmentation; but I would press nothing; the King has been extremely kind to me, and I will endeavour to serve in that manner he pleases, and think that best he orders most easily. For the rest—*Omne solum forti patria est.* Ῥωξάνη *efficiet quo diutius hic morer, ut videant Galli partes ejus domi minime casuras, illumque potestatem habuisse uxoris fratrem successorem suum relinquendi suumque secretarium illi donandi;* (for you cannot think what a *fauxbrave* the old courtisane is;) Στάτειρα *e contra idem conabitur propter amicitiam Domino* Ἱερσείῳ* *amico suo, qui idem velit, uti* (*credo*) *amicus meus.* Let them jumble up my fortune as they please; I only tell you the thoughts I have of it, and I am sure you will contribute to what you imagine best for me. There is a fate in things which overcomes all human forecast, and Providence may turn up for us what we never thought of for ourselves.

"We took our leave yesterday of this Court, from whom we had a great many compliments and a damned dinner. My Lord talks of going for England within three weeks at farthest. Things continue here in the old train; they are very obliging to us one day and the same to King James the next. This King seems to think of nothing at present but his aqueducts. The apprehension of the King of Spain's death is a little over: the fleet which we talked of that France was setting out comes to no more than about twelve ships in all from Brest, Port Louis and Toulon to take Sally men in the Mediterranean; these infidels (as we call them here) having used the French of late but scurvily. I ought to have spoke of my Lord Manchester's being here in the

* Lord Jersey. Ῥωξάνη is evidently a friend of Portland, who was Jersey's brother-in-law.

beginning of my letter, but that my doing so would have obliged me to mention our poor Mr. [Heneage] Mountagu's death.* I am not such a philosopher but that I am extremely afflicted at it, but what shall we say ? We were born : nature and necessity are too strong for us : *et levius fit patientia Quicquid corrigere est nefas.*

"Dear Horace ! I have a sentence of him upon most occasions, but I find nothing in him applicable to staying at Paris upon 40*s.* a day, where one's coach costs one *louis* and one's lodgings another, before I or mine have eat or drank."

Postscript.—"Send me word what books you have about the Louvre edition, that I may get you the rest." *Copy.* (XI. 83–85.)

JOHN ELLIS to MATTHEW PRIOR.

1698, May 12[–22]. Whitehall.—With reference to some papers sent over to the Ambassador in Paris about the *Mary* sloop, Thomas Humble, commander, taken into St. Malo by a French privateer after the term for cessation of hostilities was expired ; he desires Prior not to "let this affair cool for want of motion," and that he will "look upon it as one wherein the honour of the nation is as much concerned as the advantage of that particular merchant who owns the ship." (IV. 27.)

LORD GALWAY to MATTHEW PRIOR.

1698, May 12 [–22]. Dublin Castle.—Desires Prior to find out in the most secret and exact manner that he can if John Trant, eldest son of Sir Patrick Trant recently deceased, carried arms as a cadet or otherwise in the service of France or of King James, in the La Hogue expedition or on any other occasion. Will be obliged to be informed of every particular that can be discovered in the matter. Since his father's death Trant has taken the title of Sir John. *French. Signed.* (IV. 28.)

JAMES VERNON to MATTHEW PRIOR.

1698, May 16[–26]. Whitehall.—"I have spoken to Mr. Montague about the increase of your allowance. He thinks the best way will be that the King order you the money to be paid quarterly or half-yearly without making any bills for it ; and if you approve of this, when the six months are ended I'll get a direction to the Treasury to pay you 350*l.* without account.

"I know not how long my Lord Ambassador will stay at Paris. If he be come away before this packet arrives, you will open the letter I send to him, it containing some matters that concern only the residing minister.

* *Cf,* Cole, *Memoirs of Affairs of State,* p. 27.

"I hope you have writ to one of the commanders of the yachts at Calais to bring over my Lord Manchester to Dover; the Admiralty have sent them orders to the same purpose. My Lord Portland, I hope, will have no disappointment by it, since the yacht is immediately to return." (IV. 29.)

MATTHEW PRIOR to JOHN ELLIS.

1698, May 27. [N.S.] Paris.—Giving news as to the case of the *Mary* sloop. "Cooper's case will be tried in a week's time by a Marine Court here. . . . As to the privateer, they utterly disown his having any commission from France: they have asked King James and found he has given no commission whatsoever this two years; and they have promised to send to their ports with order to arrest the pirate whenever he may come in, particularly to St. Malo's, of which place he most probably is, and to Bordeaux, of which he says he is." *Copy.* (XI. 86.)

MATTHEW PRIOR to JAMES VERNON.

[1698, June 3. N.S. Paris.]—Informing him of his discussions with Pontchartrain about the ships *Richard*, *Mary*, *l'Amérique* and *Shrewsbury*.

"I had one conversation with Brocard, and Jimmy told me after that the man was desirous of money, and that you had ordered him 50 pistoles. I did not find that Brocard in anything he had then said deserved it, so I advised Jimmy to give him twenty as all that he could well spare then, being upon his journey, and that Brocard might come to me, who would readily give him what you might order. I have not seen the man since. He said he was going to St. Germains and would communicate to me at his return something of consequence; though, methinks, he who said nothing when he went will not know a great deal at his return; and he that makes *la guerre à l'œil* is, as they say in this country, no very good soldier." *Copy.* (XI. 88–91.)

PONTCHARTRAIN to the EARL OF PORTLAND.

1698, June 4. [N.S.] Versailles.—The French King has been pleased to grant their liberty to the convicts on whose behalf Portland had solicited his favour, and orders have been sent to Marseilles to that effect: Campion will also be released from the Château d'If. Instructions have also been sent to the Governor of the French Islands in America to search for two men sent thither 1686, and to allow them to return to France. With regard to the five English prisoners at Dunkirk, His Majesty does not think it just to deprive the privateers of their ransom, and will give no consideration to the dictates of charity so long as certain Frenchmen are kept as hostages in England. *French. Signed.*

Enclosing Portland's memorial on behalf of twenty-three prisoners, with the replies of the French King. *French.* (XX. 149.)

JAMES VERNON to MATTHEW PRIOR.

1698, May 25[–June 4]. Whitehall.—"I hope you will send us a list of all the prisoners that have been released on that side, and let me know whether any yet remains. You mention two ships to Mr. Ellis whose cases are ordered to be adjudged. I shall be glad to see a good determination made, and if you have demanded other ships which have not been released, you will let us know the reasons for it, that we may at least be furnished with expostulations for the French Ambassador, who would make me believe they carry their concessions almost beyond what is asked." (IV. 31.)

JAMES VERNON to MATTHEW PRIOR.

1698, May 29[–June 8]. Whitehall.—"I am glad Brocard hath been with you. It is now time to see some effects of his undertaking; hitherto no great matter hath appeared, and yet I found he put a great value upon himself by his demands. I am very desirous to encourage him as far as he shall deserve it; and on the other side I should be very loath to pass for his dupe. On which account I am obliged to you that you have managed for me, and stinted my son in the sum he would have given him. When he gives you greater satisfaction, you will let him have the remainder, or a bigger sum. If it be necessary, I have a small allowance from the King for those purposes, and I desire only to know how to lay it out as may be best for his service. If this man doth not answer expectation, it is best to be plain with him, and let him know it. He hath bragged to me of his interest and the opportunities he had to be informed of all that passed. If we do not see the performances of it, we must doubt either of his abilities or good will. In some late letters I writ to Jemmy, I told him some particulars I would have him tried in; I do not doubt but you have seen the letters, and will put him to the test in those points or what other you think more proper.

"I leave you to act as you judge most advisable in this matter, and I will take care of your additional allowance, which I think will meet with no difficulty, Mr. Montague being so much your friend." (IV. 32.)

MATTHEW PRIOR to JAMES VERNON.

1698, June 9. [N.S.] Paris.—*Enclosing* papers as to claims in regard to release of prisoners, and other matters. "You must set a good example in England . . . if you would have a great many poor people freed that lie for hostages here, from whom I have daily such imperfect letters as these poor wretches can write, which show that they are abandoned by their owners in England, and mourn in captivity here. We shall soon see if the orders they promised to give will be

general: but by these memorials you will see that things do not go so currently as Comte Tallard would have you think; nor ought we to be too hasty in kindness with these people, excepting only in exterior civilities. The same law that governed the Jews is very proper for the French, an eye for an eye and a tooth for a tooth."

"I have heard no more from Hogan. I grant you he is not a good clerk, but fear more from such sort of fellows than from wiser heads; and a hand may strike a dagger or shoot a pistol that cannot set its mark or make the two first letters of its name."

"They continue to say that the pirate was taken and hanged at Dublin: *accipio responsum;* but how do they know this without having had correspondence with him or his followers, or are they sooner informed from Dublin than we?

"I said in my last that I am perfectly satisfied with what you have determined as to my allowance, as I hope you are of the great sense I have of your favours." *Copy.* (XI. 92–95.)

Memorandum as to Davis.

1698, June [1–11].—"Mr. Hussy brought Colonel Burk to me, who said he had already told His Excellency what he had discovered of the fellow who called himself Davis, and of whom mention is made in my letter above April 11–21:* the Colonel says that this fellow Davis, though that be not his right name, quarrelling with some of his accomplices here in Paris was by them desperately wounded, and being, as he thought, near death, discovered to a priest that he, together with those accomplices with whom he had the misfortune to fall out, had been set on to feign the story which he had told to my Lord, and that the real design was to extorque from His Lordship money and a passport, and with the passport to go into England, where he (Davis) should swear that my Lord had given him money to accuse several persons of quality for holding correspondence with King James, and accordingly should produce the passport as having been given him by my Lord to facilitate his voyage into England for this purpose. Colonel Burk likewise added to me that Davis had said that there was a captain who had been with my Lord here in France who was in this damnable design, but the Colonel would not tell his name or say more of him than that he was in England, he thought, at present." *In Prior's hand.* (XI. 95.)

Vernon's Conference with the French Ambassador.

1698, June 1[–11].—"The French Ambassador renewed his demands about the 100*l.* taken from the master of a French vessel at Plymouth.

* See the letter of April 25, N.S., 1698, p. 211, *supra ad fin.*

"I told him I understood by Mr. Montague that they had given directions for restoring the money, the King having ordered it, though it was confiscable, as being contrary to law to carry such a sum out of the kingdom.

"I took notice to the Ambassador how ready His Majesty was to give back to the French what was forfeited upon the Ambassador desiring it, and to show besides how frankly His Majesty dealt with them, he did not so much as think fit to demand of them a sum of 70*l.* that a master of a vessel lately released in Portugal by His Majesty's order (even before it was reclaimed) owned to be due and promised the payment of it, but went away without doing it. The French Ambassador at Lisbon being acquainted with it took little care to oblige him to be just, though he knew the money was owing for the care that was taken of the ship and for maintaining seven of their own seamen.

"The Ambassador desired a memorial of it; and said he would write into France to have the master seized, and that speedy justice should be done. I answered that I did not tell it him by way of complaint: His Majesty had reimbursed the English envoy who laid down the money, and I only mentioned it occasionally that he might see in what manner the King dealt towards them in such things as depended immediately on himself, though perhaps in other matters, that must necessarily be decided by the laws, he could not alter the forms established.

"The Ambassador mentioned again the ship that was plundered at Penzance, that I promised the Vice-Admiral should write into Cornwall to get reparation made them, or otherwise that the offenders should be prosecuted at law, and His Majesty would give the directions for it. I told him I had performed my part, that the Vice-Admiral had writ, but the criminals stood it out and were not like to make a voluntary satisfaction. I had likewise spoke to the Judge of the Admiralty, who hath the cognizance of those offences, and he told me the way I should proceed, in which I intended to have followed, till one who solicits for that ship showed me a letter from their agent in Cornwall, giving an account that they had arrested two of the men that plundered the ship and put them in prison. I told him I was well satisfied with what they had done, but as they had now brought the business into the common law, it must remain there, and all I could do was to recommend it to my Lord Chief Justice Holt, who went that circuit, which I have since done.

"As for the ship seized in the Isle of Wight that was caught smuggling, the Ambassador is very willing that prosecution should go on, and he now finds fault with the master and owner of the ship for telling him things backward and forward.

"He had formerly mentioned a small privateer, the *Levrette*, taken by an English ship since the Peace, and cast

away near Sandwich, which he represented as maliciously done and therefore demanded satisfaction. I told him the Judge of the Admiralty had examined that matter and found the fact to be otherwise; but if they found themselves aggrieved, the Judge said the law would decide it. The Ambassador now desists from that demand.

"He mentioned something of a ship brought into Rye since the Peace, but gave a very imperfect account of it. I told him I thought it was some old business that had been long since determined. He said he would inform himself more fully of it.

"He spoke about Jennings; he knew the King's order was issued for his release, but the gaoler kept him for his fees and money due for diet and lodging. I said I had nothing to do with his debts, and wondered his father, who had solicited his liberty and knew it was granted, should not send him wherewithal to bring him over. However, I, having been acquainted with the stop put, had sent to the gaoler to be very moderate and easy in it, and I understand he will be so.

"As to Captain Macdonnell, whose liberty he demanded, I told him the King had not yet signed the warrant, but I thought he would do it.

"He said he had not yet the names of the four Irish prisoners who have their wives at St. Malo's: I thought that strange after having demanded them so long since. I told him that I heard of persons in Newgate who solicited him, and took it ill they were not put into his list, but he took little notice of it.

"He spoke of six Frenchmen that were kept in prison here on account of a false commission, they having one only endorsed by the Court of Vice-Admiralty at Dunkirk. I told him they were condemned as pirates for want of a sufficient commission, but, however, I would lay it before the King, and if those we demanded were released from the galleys, I thought the King might be inclined to pardon these men and send them away.

"He spoke of one Chevalier Blancard who was lately taken up by a messenger, and desired to know whether it was for any crime of State. This is a person whom the French Ministers are scandalised at: he is come hither under pretence of turning Protestant, but they find him addicted to all manner of debauchery; they suspect him of treasonable designs, but I do not see any proof they have. I told the Ambassador some of the crimes he was accused of were too gross to mention. He said those might be matters fitter for putting him into the hands of a confessor than into the clutches of the law.

"He magnified the dispatch they gave to everything in France, and would have put the contrary upon us, but that I could not yield by what appeared hitherto." (IV. 34.)

JAMES VERNON to the EARL OF PORTLAND.

1698, June 3[–13]. Whitehall.—" His Majesty hath ordered Captain Macdonnell's warrant to be delivered out, so that he will have his liberty as well as Jennings. If we had had any account of the pirate's being executed at Dublin or elsewhere, I should not have failed to give Your Excellency notice of it, but by what they report concerning him I find the ship is returned into France with the greatest part of the crew, and some of them being left behind they conclude they are taken and hanged; and that would have been their fate if there had not been a great remissness in those who once had them in their hands. The case, I hear, is thus: the pirate having taken a merchant-ship in the Irish seas, they put six of their own men into her, who, being separated from the pirate by stress of weather, were run ashore in Scotland near Kirkcudbright, where they were all secured. I gave notice of it to Sir James Ogilvie, who writ into Scotland about it. He could at first hear no account of them, for either the Scots had let them go or they had broke prison, and they intended to suppress the knowledge of it, lest they should be brought to answer it; but since Sir James hath been informed of their negligence or corruption, and intends to have them prosecuted. In the meantime the rascals are escaped; there was but one of them who would own his name, and he called himself Macartny. If the story they tell in France of the captain's being hanged could be traced to the first authors, it would appear that it comes from the pirates themselves, and if they will hang them they may, but nobody else hath it in their [*sic*] power.

" I send Your Excellency an account of a conference I have had with the French Ambassador, by which you will see what readiness there is here to gratify him in all his demands; and yet he can hardly forbear telling us that we are dilatory, if not evasive. One thing I must add which I did not know of then, that the six French he solicited for, who had a faulty commission from the Vice-Admiralty of Dunkirk, were discharged at an Admiralty Sessions which hath been lately held.

" The King hath stayed in town all this week, and I do not hear when he thinks of going to Windsor. The Swedish Ambassador is desirous to have his audience of *congé*, which he will have at Kensington on Tuesday next; he desires it only in private.

" His Majesty stays here to press on the businesses now depending in Parliament which seem to require looking after. The East India Company have raised a great clamour that a notorious injustice hath been done them by the project of subscriptions, insomuch that the first proposer is almost made uneasy with it. This hath brought on the resolution of going into a committee to-morrow to consider the state of that matter. I do not see how there can be any accommodation,

but either the Company must be dissolved at three years' end or the new proposal be laid aside, and I know not where else two millions can be found.

"There is another thing started here which is not very agreeable, viz., the calling for the lists of the Army disbanded and to be disbanded. Mr. Blathwayt unawares gave the occasion for putting it into an address by saying he should be ready with the lists when he had orders for it, whereupon it was said, since they understood there was a difficulty in it, they must address for it. I know not whether the address hath yet been delivered, but if the lists be brought before them, we shall have the old dispute revived about reducing the forces to 10,000 men.

"The ceremony was performed on Monday last of the delivering back the King of Sweden's Garter, and the Duke of Newcastle had the Garter given him at the same time.

"Mons. Tallard would introduce an innovation which the other foreign ministers do not intend he shall enjoy alone. It seems the practice hath been that when the King comes to St. James's Chapel, no coaches are admitted into the court but His Majesty's; but of late Mons. Tallard hath come in twice or thrice with his coach. The Swedish Ambassador and the Emperor's Envoy taking notice of it as a mark of distinction he would give himself, they think it as much their due, if it be allowed to him. His Majesty is of the same opinion that it belongs to one as much as the other, but he did not know that either the French Ambassador's coach came in, or that others forbore it. I acquainted my Lord Marlborough with it to-day, who said he would speak to the Prince and Princess about it. As it is a small court and not fit for a rendezvous of coaches while the King is there, my Lord Marlborough thinks the guard should come within the gate, as being a more proper station for them, and then it will be visible there will be no room for coaches." (IV. 39.)

The Earl of Portland to Matthew Prior.

[1698,] June 5–15. Londres.—"J'ay bien receu la vostre du 10me. Si Mons. le Grand [Ecuyer] est retourné à Paris, je vous prie de luy faire bien des compliments pour moy, et de donner l'enclose à Mons. le Comte de Nassau. Nostre Gouverneur est courtisan plus qu'ami, et il n'est pas sorcier à ce que je crois; et ces sortes de gens si on leur ostoit une certaine routine du monde, il ne leur resteroit que très peu de chose. Je vous asseure que je croy que Monsieur se trompe et que tout ne se raccommodera pas." (IV. 42.)

James Vernon to Matthew Prior.

1698, June 8[–18]. Whitehall.—"I have seen Mons. Tallard only *en passant:* he had something to complain of about the behaviour of our packet-boat crew at Calais; he was beginning

to tell it me as he came out of the King's closet, and I was called in before he had concluded. I hope it is something that may keep cold; however, in the meantime I have writ to Mackye, that I may be better prepared against the charge.

"The Ambassador demands of us the restitution of a Dunkirk vessel called the *Alexander* which was taken since the 22nd of September; they say a day or two before. Sir Charles Hedges tells me she was condemned in the Admiralty Court the 7th of October, there being no proclamation then issued about the Peace, or any notice given when hostilities were to cease; he adds that if the French had appealed, as they ought to have done, they would have found relief, but through that neglect the ship has been disposed of; he does not now see how they can have satisfaction, unless they are admitted to bring an appeal after a lapse of so much time. All I can do is to lay it before His Majesty if he pleases to give any directions upon it. In the meantime the claimers have drawn up a notarial act by way of protest, which I do not yet comprehend the meaning of." (IV. 40.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1698, June 14[–24]. Whitehall.—"I am very glad to hear the good news that the King will double your allowance, which will enable you a little better to bear the extravagant rates you pay at Paris.'

"I hope the plate will come safe to you, it having been some days in Mr. Lowman's hands." (VIII. 303.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1698, June 21[–July 1]. Whitehall.—"Mr. Tucker, being out of the secretaries' office, is seldom in town, so that it is very rarely that I see him; but if you would have me send to Mr. May about your money, I will.

"Your stay in France is not longer than I expected when you first went over, for I did then believe you would not return in many months, and I believe you are now in for all my Lord Jersey's time. I hear from all hands how dear a place Paris is, but notwithstanding, you uphold the honour of Old England. Whether you do yourself right in it or not I will not pretend to judge; I am sure it hurts nobody else." (VIII. 305.)

JAMES VERNON to MATTHEW PRIOR.

1698, June 22[–July 2]. Whitehall.—"I deferred acknowledging your letter of the 15–25 inst. till Brown, the messenger, was ready to return, having nothing to acquaint you with but the arrival of my Lord Portland, who came hither on Sunday last. My Lord hath been ever since so taken up with compliments and visits that I have not had any opportunity of seeing him in private.

"The French Ambassador is likewise very quiet of late, so that we have had nothing to trouble one another with."

"I am afraid my Lord Jersey will not be going so soon as was expected, I do not doubt but you have heard that he hath been seized with a fever; but I think he is now recovered. I find Brocard hath not come near you of late, which I a little wonder at. If he keeps away because you are not one to be imposed on, I ought not to be sorry for it.

"The enclosed for the Duchess of Portsmouth is from my Lord Romney; I know not who sends the other to Colonel Codrington." (IV. 43.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, July 3. [N.S.] Paris.—"The messenger that brought the last letters tells me he saw Your Excellency under sail, so I hope this will find you after your having been some days at Kensington, and tired with the congratulations of those who are glad to see you safe returned.

"I have given the 100 *louis* as you ordered, and the person is extremely well satisfied and promises his best endeavours to deserve your kindness.

"Madam Mayercron will, I believe, tell Your Excellency that your people had forgot to put up some tea which you had promised to the Duchess of Lude; I sent her by Madam Mayercron a pound that I had, as in your name, and all is well; I find by the great value she sets upon it that some more of that kind would not be unacceptable to her; if Your Excellency will send some by any messenger that comes hither, I will take care to give it to her *de la manière qu'il faut.*

"The first of July being come, my Lord Paston's creditors broke upon me like a storm. I have paid them all, and send Mr. Van Leeu[w]en the several accounts; I have not heard one word of his man Froment, who was to bring his money.

"The court continues still at Marli; King James and his wife supped with the King there on Monday.

"The Mareschal de Villeroy was in town on Sunday; he told me he had letters from Your Excellency from the frontiers, and gave me to understand how well you had been treated wherever you came, which was all so truly French that I could hardly forbear laughing; he stopped his coach to tell me this in the Cours de la Reine, and made a hundred other coaches stop likewise whilst he talked with me. This, Your Lordship knows, is so like the man that I cannot forbear telling it to you. I went to wait upon him the next morning; they told me he lay at a little house he has somewhere without Paris, and saw no company in the morning, everybody leaving their name with the porter at his great house, as I likewise did, it not being my business to enquire more exactly where he lay or with whom.

"I hear he is a little jealous that the Mareschal de Boufflers is to teach the Duke of Burgundy the art of war at Compiègne, and the camp is to be augmented by 18 battalions more than was contained in my list. I hear likewise the King will only go thither but make no great stay when he is there, Madam de Maintenon being afraid that exercise may bring his fits upon him.

"Mons. d' Herbaut goes from hence in few days for England; one Argaut goes with him as a kind of Adjutant or *commis*, this latter has been *Commissaire de Marine* at Bayonne, and was before the war with Mons. de Bonrepaux in the like employment.

"The causes of ships taken since the Peace (of which Your Excellency gave in the memorials) being to be examined this day, I waited yesterday upon Mr. D'Arguisseau, who is ordered to report them, and represented to him the reasonableness of their being discharged, and the owners freed from the expence and trouble of such suits. I shall know the effect of his reports in a day or two, and according to my duty I shall represent them to Your Excellency and to Mr. Secretary.

"Colonel Burk was with me yesterday; he told me a story that surprises me; he says that a friend of his newly come from England tells him that he was in company with one of his intimate acquaintance, and was told by that acquaintance that he had been in company with Colonel Stanhope, and that Stanhope had said that he would be revenged of my Lord Portland for the usage he had given him at Paris; and desired this man to enter into measures with him in order to form something that might prejudice your reputation; this is the subject [*sic*] of what Burk yet knows. I encouraged him to be more particular in the enquiry, and to inform me what methods these people were to use in order to bring their project to pass, and to find out from Davis by whom and upon what account he had been encouraged to act the part he lately had done, and if we can find out that Davis acted in concert with the man of whom Burk speaks, I shall do my best to get to the bottom of this business." *Copy.* (XI. 98–102).

MATTHEW PRIOR to JAMES VERNON.

1698, July 3. [N.S.].—"Sir Charles Hedges is a little quick in condemning a ship in his Admiralty Court, the 7th October, upon a supposition that it was not then known when hostilities were to cease: for I arrived at Whitehall the 14–24th September; and the 26th, which was the first day after that the Lords Justices met, the Peace was published, and, if I do not mistake, the next day printed. Now, with what measure you mete, shall it be measured unto you, is an admirable maxim as well in politics as Christianity."

"The King has named 18 battalions of foot to be added to those of which I have sent you the list. The review will

not be so soon as August 20. The officers are forbid to make expensive habits, and we take that prohibition to be a mark that a considerable review will be made. After the review I hear the King will at most make a turn thither, Madam Maintenon having dissuaded him from too much fatigue, which would bring his fits, to which he is subject, upon him."

"I hope you have received my Lord Portland with all the honour he has deserved. They say here he is going into Spain to help them to settle the succession there: if there be anything in it, pray inform me, and hasten away my Lord Jersey." *Copy.* (XI. 103–105.)

The Earl of Galway to Matthew Prior.

1698, June 24[–July 4]. Au Château de Dublin.—After thanking him for other favours, "J'ay aussi à vous remercier de la peine que vous vous êtes donnée sur le sujet de John Trant. Les éclaircissemens que vous me donnez suffisent; il n'est pas besoin d'en chercher d'autres.

"My Lord Portland est en Angleterre. Il vous à laissé tout le poids des affaires à soutenir; vous êtes très capable de le faire comme il faut, mais je ne laisse pas de souhaiter que vous en soyez bientôt déchargé pour venir goûter avec nous le repos qu'on trouve dans le changement de travail." *Signed.* (IV. 45.)

John Tucker to Matthew Prior.

1698, June 26[–July 6]. Lillingstone Dayrell.—Stating that he has desired Mr. May to send Prior some money. As to the proportion of the salary which Prior and May ought to receive, he is unwilling to arbitrate, being a friend to both of them, until he has heard from them how much each considers just. (IV. 46.)

James Vernon to Matthew Prior.

1698, June 28[–July 8]. Whitehall.—"I have heard nothing of my Lord Portland's expedition into Spain or of any other ambassador's going thither. The obstructions are not yet removed out of the way since His Majesty hath had no satisfaction given him in the business of Schonenberg:* they declare they will admit him to his functions, but they have not yet done it, and instead thereof they would have their ambassador first called to Court, or at least that a day be fixed when all shall be admitted on both sides. But His Majesty sticks to the accommodation proposed, that the suspension be first taken off where it was first laid.

"I dined with the French Ambassador yesterday at my Lord Steward['s], where we had such a *repas* as I suppose you were used to while you had my Lord Portland on your side. I carried him a message in the morning which was

* *Cf.* Cole, *Memoirs of Affairs of State*, pp. 411, et seq.

much less agreeable to him ; you will see it in the enclosed. The foreign ministers run immediately into conferences upon it, but the French Ambassador, seeing they were like to be warm enough of themselves, left them to manage the controversy, and told them he was not concerned at present, his chapel not being yet opened or finished. This he took an occasion to tell me at my Lord Devonshire's after he had bethought himself, but when I made him the first communication none of them showed themselves more impetuous ; and he thought he saw a mystery in it that nobody else ever dreamt of, as if this were solely aimed against him, and he was laying abundance of things together, that this should happen so soon after my Lord Portland's arrival and just before his chapel was to be opened. However, he was so plain with me as to tell me that he was to have or had six chaplains, one of which was an *aumônier* he brought from France : the rest were English or Irish, and he set a value upon his great circumspection in the choice of them, and almost thought it too much since he met with this return. I appeased him as well as I could, telling him I was in hopes to find him the least surprised of any, since he saw my Lord Portland's caution ; how careful he was not to do anything that might shock the laws or give any offence to those that were zealous for their religion established ; that there could be nothing particularly designed to him ; his chapel not being open, there could be no complaint of a resort thither ; and he being advertised beforehand would consider what he had to do. He said he should write that evening to Court, and return an answer as he should be directed from thence.

"I hope you will not hear them cry out there of our persecutions. I am sure the utmost of our severities will be goodness and mercy compared with theirs.

"I have spoke to my Lord Portland about your allowance, who will heartily join in it. He sent me the enclosed the day after Brown was gone, and did not think it of consequence enough to dispatch another messenger with it." (IV. 48.)

Enclosure.

Endorsed :—"Orders about Foreign Ministers received with Mr. Vernon's letter of the 28th."

"Great notice having been taken in what numbers the Roman Catholics resort to the chapels of foreign ministers, insomuch that it was grown a public offence and scandal that the laws were so openly affronted, His Majesty found himself obliged to apply some remedy for preventing greater inconveniences ; and accordingly I was directed to go to all the foreign ministers of the Romish persuasion to know what was the number of their chaplains and what countrymen they were, and to let them understand His Majesty found it necessary to take some course for preventing that resort to their chapels, but in such a manner as their

privileges should be untouched, and to give them notice that, if any of His Majesty's subjects were entertained by them as their chaplains, they should dismiss them, the law not allowing them to perform the functions of priests in England. When I delivered them the message, they pretended to be surprised at it as if it were an innovation, though the same thing was signified to them within these three years immediately after the Assassination Plot was discovered, and the like was done by King Charles in '78, and the messengers were then sent to observe the Roman Catholics who went to the Popish chapels, and seized them coming out. The foreign ministers having taken so little notice of the former intimations given them creates a necessity for the renewing them, since they have no other chaplains now but what are English or Irish except one *aumônier* that some of them only brought with them, and the number in some of these houses is very extraordinary. The Portugal Envoy alone hath ten chaplains, and nine of them are His Majesty's subjects. Count d'Aversberg and Mons. Hoffman have four apiece, and none of them foreigners. The French and Spanish Ambassadors have six each, and but three foreigners between them. They know very well how intolerable this would be, and how severely resented in their countries; and yet we must expect they will blow up a noise of persecution, when, if it were considered aright, it is their indiscretion and disregard to our laws that raises a clamour in our own people against the remissness of the Government, and all that is intended is to make the Papists sensible that the way to preserve the indulgence used towards them is by making a moderate and discreet use of it." (IV. 49.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, July 9. [N.S.] Paris.—"I went yesterday to Versailles and waited upon the Ministers Messieurs Pomponne and Torsi as to the affairs of the *réfugiés*, particularly of my Lord Gallway, Mons. de la Forest,* etc. I let them know that Your Lordship had left me order to enquire if His Most Christian Majesty had been as favourable as we had reason to hope; they answered me in their way with a great deal of civility which signifies nothing, that Mons. de Tallard was already informed of what this King had answered, and, by what they added, I find that nothing more has been done in it since Your Lordship went away; I shall obey your orders in what manner I am to solicit this affair.

"I next asked their answer to the memorial Your Excellency gave in the 3rd of June, which was that the French had charged oil which came from Tunis to Marseilles with a duty of 20 per cent. as coming from the Levant; they said that they had already sent Count Tallard an answer to this case; that upon their tariff all Barbary has always been comprehended in the Levant.

* *Cf.* Cole, *Memoirs of Affairs of State*, pp. 35, 37, 40.

"I gave in a memorial for the liberty of six *réfugiés* now in the galleys, who were of the Danish troops in His Majesty's pay, and for a native of Orange who had deserted the French service. They have promised to send to Marseilles that these people shall be released, and that those shall likewise be so for whom Your Lordship gave in your last memorial; the Brigadier and five of the Regiment of Gallway, who have been prisoners at Dunkirk, are actually at liberty, and one of them has been with me.

"As to the two merchant-ships taken since the Peace and reclaimed by Your Excellency, Mons. d'Aguisseau is commissioned with some other of the marine to look into this matter and to report it, but their proceedings are so dilatory that as yet we have no positive answer. This I took the liberty to represent at large to Messieurs Pomponne and Torsi; I told them that the proprietors themselves or any private persons might have justice according to the ordinary forms of law, but that Your Excellency's memorial was to expedite and cut short all these delays, and that, since we did in England all that lay in our power of this kind to satisfy Count Tallard, we had reason to hope the same from them.

"Of all this I acquaint Mr. Secretary Vernon.

"I waited upon the Marshals Villeroy and Boufflers: the former of these talked with me a good while about the affairs of England, about the Bill for raising the two millions, and if we were not to reform our troops? I let him see that as to the two millions it might easily be raised by several imposts which I named, or that more might be raised as the occasions of the nation required. He asked me then what made the session so long? and insisted mightily upon it. I let him understand from passages in their own gazettes that it was that particular affairs were mingled with those of the public, and that the Parliament was rather about the manner how the thing should be done with most ease to the subject, than if it should be done, all parties agreeing in this latter point. I gave our desiring to keep up some troops this turn, that it was rather that we would be grateful to the officers and soldiers that had served so well than that we should have any real necessity for them, that as far as I could judge from England, as everybody was entirely satisfied with the Peace, so my Lord Portland and the English that have been here since the making it might see by everything that His Most Christian Majesty designed absolutely the maintaining it. This pleased him; '*vous parlez avec raison, Monsieur,*' *me dit il.* But I thought just the contrary.

"I likewise saw the Duchess of Lude, Madame Mayercroon having given me a letter for that purpose; I excused my not waiting upon her with the tea, Madame Mayercroon having charged herself with it. She returns Your Lordship thanks, and was very glad to hear of your safe arrival.

"In my return home I waited upon Monsieur and Madame at St. Cloud; they asked about Your Excellency's return with all the kindness imaginable; Monsieur mentioned a picture of His Majesty which you had sent him.

"Bussy is returned hither; he exclaims mightily against us, and gives the worst impressions imaginable of the *réfugiés* in England; he is a blustering fellow, and amongst people of note here I am afraid his talking will hinder the good effects we hope from Your Excellency's intercession for those I mentioned in the beginning of my letter; and it would have been better that he had been hanged as well as Fromand.

"King James's wife being at Chaillot, the children whom they call the Prince of Wales and the Princess of England came thither to see her on Monday last. Some of the English here went, as a great many more did, to see the Prince and Princess at their coming out. I desired Mr. Hopkins to go likewise, which he did with Colonel Codrington. As the child came out, Hopkins retired a little, Codrington stood his ground, neither of them shewing him the least mark of respect. But one Twisdel or Twisden, who came here with a knight of the same name and his relation since Your Excellency went, and whom I have suspected for several reasons to be of that party, though he would have disguised it, was seen by my Lord Perth in the crowd, who said to his Lady, 'Madam, there is Mr. Twisden'; and putting the Prince forward to him, Twisden knelt down and kissed his hand. Hopkins did not actually see him kiss his hand, but I am informed from other hands that the matter of fact is true. The young man endeavours to stifle it, his father being a man of estate in England who is already suspected to lean too much that way.

"I have a thing of much greater consequence to impart to Your Excellency. Braconie[r] was with me to-day, he tells me he is assured from the correspondent that orders are given for six men-of-war from forty to fifty guns, who have biscuit for six months and corn for eighteen, and six hundred mariners (soldiers) and forty-five engineers, master-masons and others, who understand to govern flat boats, for a descent; that these ships are ordered from Havre, Port Louis, Rochfort, and one from Dunkirk; that their rendezvous is to be at the Canary Islands, from whence they are to go through the Straits of Magellan into the South Sea to the coast of Chili and Peru. The place where this debarkment is intended he does not know, but says they are assured of some Spaniards who had rather be under the French government than under that of their own countrymen, and that they are to be joined by a considerable number of these people to land, fortify and possess themselves of the mines.

"I have another correspondent that says in the main the same thing, augmenting only the number of vessels to 12,

and adding that particular persons furnish all the expense except the common allowance which the King of France gives the ships of war. Your Excellency will judge of the great consequence of this affair to us.

"The Count d'Estrée[s] takes his leave of the Court in a day or two; he goes to Brest, and is to command a squadron of ten men-of-war in the Mediterranean. I yesterday at Court asked by way of news, and lightly, what these squadrons were to do. They pretend it is only to continue their navigation and breed their officers; and others say that it is to secure their merchants from being affronted (as they have lately been) by the Sally men.

"Letters from Madrid of the 19th say that the French Ambassador has told the King of Spain the same thing; that monarch is not in so good health as the letters received here would make us believe." *Copy.* (XI. 106–113.)

J. Van Leeuwen to Matthew Prior.

1698, June 29[–July 9.] *Catherine* Yacht between Calais and Dover.—"His Excellency came last night at nine at Calais, and went on board this morning at six with very fine weather, but little wind. We hope to be on shore at Dover by two in the afternoon. I had no time to send you from Calais my little journal of what passed in His Excellency's progress, but you may expect it as soon as I come to London, or sooner if I have time at Dover to copy it there."

"His Excellency gave Pigault a gold watch of Tompion's for his good services. When we went out [of] Calais, my Lords Westmoreland and Raby were in bed and fast asleep; His Excellency would not stay for their Lordships, and so left them ashore, making sail without them."

Postscript.—"Dover, 4 the clock in the afternoon. Just now His Excellency is landed, and goes this evening to Canterbury, and will be to-morrow night at Kensington." (IV. 51.)

The Earl of Portland to Matthew Prior.

[1698,] June 29[–July 9] [*sic*]. Kensington.—"Je vous remercie des lettres que vous avez pris la peine de m'escrire depuis mon départ. J'espère que vous continuerez à me donner quelque fois de vos nouvelles. Je vous prie de donner ces deux lettres en main propre, et de vouloir demander à Br[aconier] les réponses au choses dont je lui avois parlé, et a Mons. de Palmquist* de me vouloir envoyer l'estat de la réforme, et des troupes qui restent en service. Vous aurez appris par d'autres que le tout c'est très bien passé dans le Parlement aujourdhuy, lequel apparemment se séparera bientost."

Endorsed :—"Answered the 17 of July, 1698." (IV. 50.)

* *Cf.* Cole, *Memoirs of Affairs of State*, p. 86.

The Earl of Portland to Matthew Prior.

[1698,] July 2–12. Kensington.—"Depuis mon retour en ce pais je n'ay pas eu le loisir de vous escrire comme je l'aurois souhaitté, mais le Parlement, ayant fini les affaires, se séparera apparemment dans deux ou trois jours, et puis j'auray plus de temps à moy. Je suis bien aise que vous ayez eu la civilité de donner vostre thée à Madame la Duchesse du Lude, je vous en renvoyeray d'autre, et n'oublieray pas cette dame comme mon valet de chambre a fait. Ce n'est peut-estre pas sans raison que M[adame] M[aintenon] craint un trop long séjour à Compiègne. Les compliments du Mareschal lui sont très naturels, il faut lui en rendre le triple, et en faire beaucoup d'autres aux gens qui m'ont fait tant d'honestetez. Je vous prie de me mander un peu des nouvelles de la Cour de temps à autre, car je ne vous croy pas autrement occupé. Je suis surpris dans ce que vous me mandez du discours de Burck touchant Colonel Stanhope ; il n'est pas imaginable qu'un homme soit capable de cela. Je vous prie de vous en informer plus exactement. Je croy que le voyage du Roy pour la Hollande sera bientost fixé." (IV. 52.)

J. Van Leeuwen to Matthew Prior.

1698, July 2[–12]. Kensington.—"I received your kind letter with the enclosed list of what sums you paid for my Lord Paston. I am much concerned you have been so cruelly disturbed at the 1st of this month [N.S.]: if Madam Galpin has been among the crowd, you have no reason to complain of the company that morning, for she could make amends for the rest you did not like so well. I should be very glad to be attacked in this manner, supposing such an agreeable woman was one of the creditors."

Requests Prior to advance the money "to buy a waistcoat for Mr. Hemingh (who designs to be married shortly) *à la Teste d'Or*" and a "tortureshell case studyed for a watch" costing six *louis d'or*. Lord Portland "desires you will send his picture over as soon as it is finished, and that care may be taken that it can't be damnified by the way." (IV. 53.)

James Vernon to Matthew Prior.

1698, July 2[–12]. Whitehall.—"I have told you the message I carried to the French Ambassador as well as the other ministers, as also his answer that he did not think himself concerned at present, his chapel not being yet open, and I do not expect it will be till he hears from home. I suppose they will hardly direct him to keep English or Irish priests, unless they intend my Lord Jersey shall bring as many Huguenot ministers with him to Paris." (IV. 54.)

Matthew Prior to the Earl of Portland.

1698, July 15. [N.S.] Paris.—"I did myself the honour last post to lay before Your Excellency the sea preparations

these people are making. I send another messenger with this, for I shall not venture to trust anything of this kind by the ordinary post, being very well assured that some letters of mine have been opened between Calais and this place (but there was nothing in them but some trifles of my own concerns), and that I have received no letters that have not been served so, except those which the messengers have brought, and those which have been directed to me from Pigaut in his own hand.

"The King of Spain is mighty ill, he has had fainting fits, which is an excess of weakness and vomiting whatever he eats. As he is kept alive by art, he certainly cannot hold out long.

"The squadron for the Mediterranean will be much greater than I sent Your Lordship word; though it is not distinctly said how many ships are destined for that service, it is certain that those which can come from Brest with those that may join them from Toulon may make a very considerable squadron, amounting (as far as I can hear) to about thirty or thirty-two ships in all, besides twenty-eight galleys. Orders are likewise given at Toulon and Brest for the fitting up and examining all the cordage and sails in these two ports, so that they may be immediately ready for service, and these squadrons, either that for the Mediterranean or that for the Indies, may be augmented without further trouble than the Court's sending a new order.

"The Count d'Estrées, the Marquis de Nesmond and the Marquis de Langeron command and are already at Brest; it is no great matter to add that Mr. [Henry] FitzJames, whom they call the Duke of Albemarle, is likewise of this expedition. Their designing this squadron against the Sally men is a jest; six or eight good ships would be sufficient for that service, and they would not send a Vice-Admiral and two Lieutenant-Generals upon an affair of so small consequence. The Marquis d'Estrées goes into Poitou to keep the new converts in obedience, as they say; but would they employ a Marshal of France in a work which belongs to a captain of dragoons? Your Lordship will judge that the design of his being there is that he is so much nearer Spain and in more readiness to head the troops on that side upon occasion.

"The Intendant of Lyons has passed vast quantities of corn into Provence and Languedoc under the names and seemingly on the account of particular persons. Your Lordship knows what troops are in Catalonia and Piedmont, and that most of them are foot; amongst the officers of these troops it is only some peculiar favourites who have leave to be absent from their posts, and for those the furthest *congé* they have is but till the latter end of October.

"Why should the Marquis d'Harcourt with such violence and just at this juncture desire leave for the French vessels and galleys to be received into the ports of Spain? and why

should the Spaniards be so difficult in granting it, if they thought it was intended only for their goods ?

"This camping at Compiègne is but an amusement, that by looking at their forces there we may take less notice of what they have dispersed elsewhere.

"Mons. Palmquist tells me, and so does the correspondent, that the only reform that is yet made in the foot is that the sick and five out of every company are disbanded : this is in effect but making their troops stronger, and I believe we shall see little more done in it till we know what becomes of this sickly Spanish Monarch. I wish to God that the business of Schonenberg were adjusted, and that our measures were taken as those of this Court most certainly are against that moment. Of this I have spoken to Messieurs d'Odyck and Heemskirk. I perceive they have written of it, though neither of them are [*sic*] so particularly informed as I have been from the correspondent, and it was not my business to speak to them what I knew in any other than in general terms, without your immediate order.

"My tutor Villeroy, who does me the honour sometimes to take me aside, has been mighty inquisitive upon our reforming and what our militia were. I augmented their number to two hundred thousand, and told him they were stout fellows well fed, and that had for four hundred years past had such a notion of liberty that they would die for their cause, good or bad, provided they thought it good. I said that in the revolution, these men being generally for the King (then Prince of Orange), we might have expected a battle or two with King James's forces in case they had not forsook him ; but by the Lieutenants' putting the militia in good order, we should have had no reason to have doubted of the liberty of the nations ; and let him know what Cromwell's troops, who were only these a little taught, had done at home, what Morgan's had done before Dunkirk, and what the English new-raised troops, who were actually the same men as the militia, had done this war in Flanders. I know not why he is so very curious ; possibly he has been talking with some of our friends at St. Germains on the same subject ; he ought, however, to have no other notion of that affair.

"It was but yesterday that I received Your Lordship's of the 22nd, or I should have sooner returned you my most humble thanks for it. I had letters from Mr. Vernon of the 28th, and the orders that His Majesty had been pleased to give for the regulation of the chaplains of foreign ministers ; I concealed my having notice of this order till I had an answer about two *réfugiés* in my Lord Jersey's family, for whom his Lordship desires a passport, and after I had that answer I said nothing of my having received any letters from England. Thus they will have the news thundering from Mons. Tallard. The answer I had was from Mons. de Torsi, that His Most Christian Majesty gave this leave for two persons

only, and that, too, in consideration of and as a favour to the Countess of Jersey; so I hope that business is done, for the King is too gallant to retract his civility to my Lady, upon account of the general order. Here they complain mightily of what the Roman Catholics suffer in Ireland, and yet they renew their persecution of the Protestants in the provinces with the greatest fury imaginable, obliging the *nouveaux convertis* to subscribe again, and to articles more severe than the former.

"The Court goes to-day to Marli, where it stays till next Thursday, and from thence till Saturday to Meudon; the King goes the 29th August to Compiègne, and returns the 8th of September; the 13th of September the contract will pass between the Duke of Lorraine and Mademoiselle; Queen James is going to the famous Abbey de Poissy for a day or two. Three or four fellows have been killed last week at St. Germains by their countrymen and comrades; one Charles O'Neal was broke upon the wheel on Monday for robbing about St. Germains on the highway. Your Lordship sees by the name that he is an Irishman; thus disorders and murders reign wherever this unhappy man lives, and his domestic affairs are governed just as his three kingdoms would have been.

"Burk has been with me again; he only repeats what I wrote to Your Lordship about the angry gentleman. Davis recovers but I believe will be a rogue again for all his good promises when he was sick, that he would discover who set him about his villany; there can be nothing done with him but by fair means, for, if we act otherwise, we shall ruin the priest that revealed what he had told him in confession. I have promised to pardon him the 60 *louis*, and if he can make it out to me by undeniable testimony, and under the person's own hand (as he pretended he could), that some of considerable quality here were engaged in the affair, to give him as much more.

"The people at St. Germains are in heart again, God knows upon what grounds.

"Burk desires Your Lordship's favour as to his petition; he seems an honest man, and promises to deserve it in what he may.

"Bra[conier] asks your bounty as to himself, which, he says, he could not so well do to Your Lordship immediately in his own case; the correspondent at this time can give us better information than any man in France; therefore he cannot be too frequently encouraged.

"I have money of Your Lordship's in my hands, of which I shall give Mr. Leeu[w]en an account, or what [part] of it Your Lordship would have me expend for these sort of uses, I shall, according to your commands, out of what I have; I shall always do what I can; for it all is of His Majesty's bounty and goodness, and ought to be employed in his service.

Postscript.—"I have given your letter to D[uc de] Grammont *en main propre.* Madame Mayercroon has been very ill, and is gone into the country; she has the other." *Copy.* (XI. 114–122).

JAMES VERNON to MATTHEW PRIOR.

1698, July 13[–23]. Whitehall.—"I approve very well of your method of writing everything to my Lord Portland at large, and you are very kind in sending me an extract of what you think proper for the office; I would by no means have you do it otherwise. On all accounts the correspondence ought to be directly with my Lord Portland, and he is the fittest person to receive and transmit His Majesty's directions upon all emergencies. You must very shortly write to him in Holland, but I hope you will spare us a sketch from time to time, that I may be able to inform the Lords Justices how affairs go."

"Mons. d'Herbaut* was with me on Sunday. The French Ambassador carried him to Kensington yesterday, where he made his compliment to the King. We are preparing the commission on our side, but cannot have all the commissioners that were at first intended, it not being proper to insert any of those who are to be our Lords Justices. I suppose my Lord Portland will still be one, though he be going over, together with my Lord Bridgewater and Lord Tankerville, who, being of the Council of Trade, have had a good deal of these matters under their inspection. The French Ambassador talks of going over with the King or very soon after him, so that, if we open the commission at present, it will be all. I find one Mons. d'Argaut who is come with Mons. d'Herbaut; he is not named in the commission. I can't tell, therefore, what his business should be unless he is an *instructeur du procès.*

"I should be glad to know what representation Mons. Tallard made of the message I carried him, and what orders were sent him upon it. All he hath said to me since is that the King should be satisfied in all his conduct.

"I hear the Spanish Ambassador hath sent a very peevish and senseless account of it to Brussels. He lives so like a monk himself that I do not wonder at his concern for them, but they ought a little better to know the genius of the Prince they are sent to, and the laws of the country they reside in, than to give mistaken information of both.

"I suppose the King will be going over about Tuesday next.

Postscript:—"The books for the subscription were opened about one o'clock, the commission being but then dispatched, and I hear that 500,000*l.* is already subscribed, and the first payment made. It goes on faster than was imagined. The East India Company have called a general court, at which

* *Cf.* Grimblot, *Letters of William III. and Louis XIV.*, ii. 84, 87, and Luttrell, *Brief Historical Relation*, iv. 394—403.

it was resolved that they would leave it to their committee of fifty whether the company should subscribe or not. There is another roll lying on the table for those who are willing to be incorporated; all the subscribers hitherto have signed it, so that it is like to be a great stock by general consent." (IV. 59.)

The Earl of Portland to Matthew Prior.

[1698,] July 14[–24]. Kensington.—" J'ay bien receu vostre très agréable du 5–15 de ce mois; il n'y a point de bonne foy à avoir celles que l'on n'envoye pas par exprès touttes ouvertes; il faut avoir soin de ne rien envoyer par ces voyes.

" C'est une force considérable que 32 vaisseaux en temps de paix, je croy que l'on n'en auroit pas tants de prêts si le Roi d'Espagne se portoit bien, quant on auroit le plus grand chagrin contre les Sallétins; et touttes ces dispositions d'hommes et de provisions fait voir assez clair quel est le desseyn, duquel je croy qu'il ne peut pas nuire d'en parler aux ambassadeurs d'Hollande, mais qu'il est utile qu'ils soyent advertis de ce que l'on doit craindre.

" Vous avez fort bien répondu, Monsieur, à vostre gouverneur, mais si vous faites des gasconnades trop grandes, et que qu'ils entendent d'ailleurs le contraire, l'on ne vous croira plus. Le tour que l'on donne au passeport pour les François en considération de Mylady Jersey est bien extraordinaire. Il semble qu'à St. Germain les nécessiteux se querellent comme si'ils avoi[en]t beaucoup d'argent à partager, tout comme Davies et ses compagnons: ce misérable prétent de vivre fripon et de mourir honeste homme. Je ne sçay comment cela se peut; je voudrois de tout mon cœur perdre les 60 guinées, moyenant qu'il me prouvait clairement qui estoi[en]t les autheurs et les complisses de ce desseyn contre moy. Par la prochaine poste je manderay ce que vous donnerez à Br[aconier]; je suis bien aise que vous ayez veu l'autre correspondant: je vous prie de savoir de ses nouvelles le plus souvent que vous pouvez. Je vous envoyeray par My-lord Jersey une bouteille de thée pour Madame la Duchesse du Lude et une autre pour vous, pour vous dédomager de celuy que vous luy avez donné. Je vous prie de faire bien des compliments à mes amis et particulièrement au Maréchal de Villeroy dont j'attents des nouvelles avec impatience."

" Nous partons Mardi prochain pour la Hollande, vers où il faudra m'escrire avec un peu de précaution et mettre mes lettres sous le couvert de quelque mar[chand]." (IV. 60–64.)

R[ichard] Powys to Matthew Prior.

1698, July 14[--24]. Whitehall.—" The subscriptions for our new East India Company fill beyond expectation.

" Sir Godfrey Kneller hath drawn at length the picture of your friend Jacob Tonson, which he shewed Mr. Dryden,

who desired to give a touch of his pencil, and underneath it writ these three verses :—

'With leering look, bull-faced, and freckled fair,
With frowsy pores, poisoning the ambient air,
With two left legs, and Judas-coloured hair.' "
(VIII. 313).

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, July 24. [N.S.] Paris.—"I have the favour of Your Excellency's letter of the 2–12. I am extremely obliged to your goodness in this and everything, and as it is my duty to write to you, so I have not the vanity to think that I ought to be answered otherwise than when Your Excellency transmits His Majesty's will or your own orders to me.

"The Court is at Meudon, from whence it does not return till Saturday. The only news amongst them is that the Duke d'Elbœuf is restored to favour after the chiding he had from the King about inviting the Duke of Lorraine hither without the King's order.

"I have been enquiring a little into the conduct of our friends at St. Germains; one Glover, an engineer, who deserted our service in the beginning of the war, and who has been ever since in King James's, let me know privately that he had a mind to speak with me. The man teaches practical mathematics, and under that pretext comes to me, he has a great mind to deserve his pardon by anything he may do. He would attempt the drawing all the sea-ports in France, or anything else he might be ordered, to show he is sincere; he tells very freely what he knows of everything. He says Hungate is here, and that he saw Brierly the other day. Amongst other things we fell upon the subject of the conspiracy, he told me some particulars which mightily confirms [*sic*] that King James knew it: viz., that Brierly had actually told him that King James had said to him (Brierly encouraging him in that hellish design) that their killing the Prince of Orange (as these people call His Majesty) at Richmond or Kensington was the same as if Villeroy had laid an ambuscade for him in Flanders, and that he, King James, had the opinion of the best doctors upon that point. You see, my Lord, that the old gentleman is a very excellent casuist; another thing upon this subject is, Sir William Ellis t'other day, talking with a gentleman of my friends, was so angry when the gentleman talked with some suspicion of King James's being in the design, that he, going back to St. Germains at night, actually asked King James if he had ever seen a paper that was written in vindication of the conspiracy, to which King James indiscreetly blabbed out that truly he had seen such a paper, but did not read it; and Sir William Ellis as indiscreetly told the same gentleman the next day what King James had said upon this subject. Glover likewise says that he has asked Saunders, King's James' confessor,

his opinion upon this point, and that Saunders did not condemn the assassination as intended.

"Another thing is very remarkable: when the thing was discovered, and these hell-hounds returned to Saint Germains, the Lord Middleton's party and the honester sort of these people would not keep these villains company, but called them conspirators and assassins; upon which they complained to King James, who gave order that these names should be no more heard, that they should all live in friendship together, and be well with these gentlemen who had had too much zeal for his service.

"What makes me so particularly insist upon this is that these villains go still upon the same principle that, King James not having made a peace with England, though France has, all that can be done against the King our Master by arms, public or private, is lawful. Brierly particularly says the business is not at an end yet. Brierly has studied at St. Omers, where he learned this good divinity, and King James received this case of conscience from that university. Ennis, the Scotch priest, I am credibly informed, sustains this doctrine amongst those whom he thinks he may trust.

"The reason why I repeat this at present to Your Lordship is that as well Glover as a correspondent, Your Lordship knows, Mr. Secretary Vernon employs, agree in this that the whole Court of St. Germains are in despair of succeeding any other way than by the horrid one of cutting off His Majesty, and that King James should offer a vast sum of money to the man and his family that should attempt it, or to be divided amongst them that shall undertake it: the Protestants themselves, being now desperate, give in to this. David Floyd, who was the fairest of them, is come in into these sentiments; the correspondent I mentioned has written the particulars he knows to Mr. Secretary Vernon in his own hand, which I send by this post.

"Mr. Manners with boldness enough, having had the honour to wait on you at Paris, came (I believe you remember) with some English gentlemen to Chantilly, and remained there as long as Your Excellency; he has since even in company exclaimed against the King our Master as fierce as the most violent of them; he has been with King James in private, introduced by Father Saunders, and was of the voyage to La Trappe, which is a peculiar favour; he is so violent a Papist that he is capable of the worst of impressions. The ladies with whom Mr. Hopkins has conversed of Br[aconier's] acquaintance are certainly going into England; others leave their house for that purpose the 15th of August.

"I would fain have somebody (that Your Lordship can wholly confide in) named, to whom Hopkins may give them a recommendation, that so it may be known to you what they do there; they are cunning whores, one as high-spirited as any of her sex, and as fit for mischief.

"They pretend to have quite broke off with the Duke of Berwick and those people, but all this seems to be too sudden not to be feigned: Your Excellency will be pleased to think of some person proper for this purpose that may receive and visit these ladies sometimes (if you think it worth the while): it must be a person of pleasure and gaiety, and money must be spent; I can think at this distance of nobody properer than Fielding.

"I shall exchange the ratifications for settling the post this afternoon, and detain the messenger till I have done so, that I may send it by this post for England.

"I have sent the letters which came in Your Lordship's packet to their several addresses, except that to the Président de Mesmes, which I do myself the honour to carry. Madam Mayercroon solicits the business of the Comtesse de Solre, upon whose account you are troubled with the enclosed paper.

"Br[aconier] tells me the correspondent tells him that the expedition for the West Indies is deferred for three weeks, though everything be ready; possibly it may be yet deferred three weeks after these three, till the King of Spain appears past all recovery. That king continues very ill; I think by all accounts he cannot live past autumn, for if they purge a thing that cannot eat, that thing must die.

"I troubled Your Lordship last post with a long letter upon this subject, and shall only add by this that everything looks very plain that France is alert against that occasion.

"Our friends at St. Germains had just told those at Marli (from letters they had from their correspondents by way of Holland) that the two millions would not be found, and that there were disorders in the Parliament which would hinder its raising for some time. I said nothing as if I had heard of this, but translated word for word His Majesty's speech, and told some of our friends the contents of my letters of the 2nd and 6th, which I had just then received; they would hardly believe it, till I shewed them the original printed in English, which I did *sans aucun empressement*, and with an air as if I did not much care if they believed it or no. They are all persuaded that the King is absolutely master of England, and can do in it whatever he pleases; *tant mieux*, it is best they should have that notion, for nothing else will keep them in any order.

"I have spoken to Burk since about Stanhope; I have no further particulars from him about that matter; if it was but a tavern bravado, that which is said in wine goes away with the fumes of it. Coddrington is Stanhope's friend; he is gone to London; I think he is a man of too much honour to conceal anything of this kind from your knowledge in case the other goes on in such extraordinary sentiments.

"Wherever I can be in lodgings I have Lord Clare, Dorrington, Birkenhead, or some of that gang, near me, for

which reason I have taken a little house. I repeat my thanks to Your Excellency for what regards my allowance; I am afraid I give you trouble in that matter. I never would importune His Majesty; that is best for me which his great wisdom thinks so, and I pretend nothing but to pass my life in his service." *Copy.* (XI. 131–9).

The Postmasters General to Matthew Prior.

1698, July 19[–29]. London.—"Yesterday morning we received the French ratification with M. Pajot's engagement, which is drawn to our satisfaction, and . . . . we have this day given public notice upon the Exchange that the mail will upon Thursday next begin to go for France and continue to do so every Monday and Thursday as before the war. We return you thanks for your great care and dispatch in this affair, though the satisfaction you must have in doing so public a service as the opening the correspondence betwixt the two nations must be much greater than any acknowledgements we can make you for it." *Signed*, R. Cotton. Tho. Frankland. (XX. 45.)

Matthew Prior to James Vernon.

[1698, July 30. N.S. Paris].—"I had the favour of your letter of the 13th yesterday morning just before I went to Versailles. Tuesday is the ordinary day that ministers go thither. I have not heard the least word at this Court how they resent the message you carried to Count Tallard. I solicit the dispatch of the passport which the King granted upon my Lady's account for my Lord Jersey's two *réfugiés*, and was answered so civilly that I believe I shall have it to send away by this post, which shews that either they do not look upon our proceedings as extraordinary, or think it best to conceal their dislike of them. I have pleaded to the Catholic ministers here, such as Venice, Tuscany, Genoa, Savoy (who being at Versailles spoke of this) the reasonableness of our acting in this manner, that these priests were pointed at not as being chaplains but traitors and rebels; that in short they were the King's subjects and did not own his government. The Venetian was very much of my side, and cried out, '*Diable m'emporte, vous avez raison*,' though the Nonce sat next to him.

"One Glover, as you will see by the enclosed letter, gives me an account of two resolute fellows gone from hence by way of Holland to Scotland as they pretend; I believe you will think proper to give order that they be apprehended, if they are found in Scotland, as I have written to Brussels and The Hague that care should be taken of them if they are found there.

"I find you and the other Commissioners infinitely above Mons. Herbaut's character in this occasion; at least they will

have no reason to say we are hard with them as to the quality of the persons that transact with them." *Copy.* (XI. 150–153).

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, July 31. [N.S.] Paris.—"I have the honour of Your Lordship's letter of the 14–24th; I hope this will find you safely arrived in Holland, where (as indeed everywhere) I wish Your Lordship all sorts of happiness and satisfaction. I have delivered all the enclosed according to their several addresses; and rejoiced B[raconier] extremely with the hopes that in a post or two he shall hear of your kindness to him. I was on Tuesday at Versailles; the business which was the great discourse of the day was, the Grand Prieur* was sent that morning to the Basti[l]le, the occasion of which was a quarrel that happened the night before between him and the Prince de Conty at Meudon. Monseigneur was gone to bed, the Grand Prieur and the Prince of Conty were at *ombre;* the Grand Prieur affected to think that the Prince of Conty had said something harsh to him, and after the party was done, the Prince of Conty and the Duke de Ventadour being together, the Grand Prieur walked two or three turns by them, as if he would have spoken to the Prince of Conty, which the Prince taking notice of, left the Duke de Ventadour, and coming up towards the Grand Prieur, the Grand Prieur asked him if he remembered what he had said to him at play. The Prince of Conty said he did not remember to have said anything that might offend him, or if he did, he did not intend it; the Grand Prieur answered that it was not so that a man of his quality was to be treated; the Prince answered that it was not so that a Prince of the Blood was to be talked to, and added: 'Ho! ho! Monsieur, vous le prenez sur un ton bien haut'. 'Tout sur un autre ton,' reprit le Grand Prieur 'que vous ne l'avez pris à Neerwinds. 'Et moi,' dit le Prince [je] l'ai pris là sur un autre ton que vous n'avez fait à Barcelonne.' As this passed Mons. le Duc [de Ventadour] interposed and said:—'Qu'est ce que ça, Mons. le Grand Prieur? est ce comme ça qu'on parle à un Prince du Sang?' 'Ce n'est pas à vous que je parle, Monsieur,' répondit Mons. le Grand Prieur. 'Monsieur,' dit Mons. le Duc, 'quand on parle comme ça à un Prince du Sang, on me le parle aussi.' Thus, I think, the thing was. Monsieur wrote immediately to Versailles, and the next morning Mons. le Duc and the Prince of Conti gave an account of it to the King; and at the same time that they were with him the Grand Prieur desired an audience. They persuaded him from it, but when he persisted in his desire, they told the King he was there. The King sent him word out that he should go to Mons. de Pontchartrain, and from him he should know his will and pleasure; which he did accordingly, and it was that he should

* *I.e.*, Philippe, younger brother of the Duc de Vendôme. *Cf.* p. 246, *infra.*

be sent to the Basti[l]le ; so he went thither privately in the afternoon.

"Tho' the Prince of Conti got the better in this affair, he was a little mortified in another the same day, for Major General Jordan had his audience of the King as envoy from the King of Poland whilst the Prince was in the next room. The King's answer to Jordan's compliment was very short, and one expression in it was very odd, *que la conduite de Sa Majesté Polonnoise régleroit la sienne ;* which is in English, 'I will live with him according as he shall behave himself' ; so France has acknowledged another king to the great regret of Abbé Renaudot the Gazettier.

"The King has said that the Duchess of Verneuil's coach shall have place in the Dutch Ambassador's entry, as in all that shall be made for the future. Mons. Saintoste tells me he shall have an order for that purpose.

"I told him as in discourse only that as he might see by my journal with what fermity Your Lordship refused to comply in this matter, so I had reason to think that he should not yield to this innovation. I thought it best to say thus, for if we do yield it, it is only my own private sentiments contradicted. His Majesty will have time enough to determine this when my Lord Jersey comes, and will, I presume, in the meantime hear what Messrs. Odyck and Heemskirk ask their masters about it, and consequently will determine as well to these ambassadors as to my Lord Jersey what is to be done in this affair.

"The expedition of Mons. de Genes in the South Sea is no longer a secret. There are already about 300 reformed officers that go as volunteers; the greatest part of these embark at Rochelle.

"The conduct of the people of Saint Germains is so poor that it is not worth troubling Your Lordship with it, that His Majesty has had long conversations with the Princess,* in which he has told her what accounts he has had from you of his being a fine boy, that His Majesty will propose it to the next Parliament to adopt him his heir, and a thousand other *bagatelles.*

"Glover, the engineer, who, as I have had the honour to write to Your Lordship, would endeavour to deserve His Majesty's pardon, tells me that two Scotchmen, one named Thomas Hebron, late of King James's Horse Guards, the other Alexander Ramsey, son to the late Bishop of Ross, are gone from hence to Scotland, as they say, but by the way of Holland without any pass or permission from our Government ; they are both bold men, zealous servants of King James, and determined enough to venture anything for him ; it would be well if they were looked after. I have written to Mr. Hill and to Sir Joseph Williamson in order to their being observed. I have done the same to the Pensioner Heinsius, who used to

*Cf. p. 83, *supra.*

give orders in such cases to Leers, the Kamberbewarder, who knows the haunts of such people; and I have likewise given Mr. Secretary Vernon an account of it, that he may advise the Secretary of Scotland in case they come thither.

"I could not speak with my Governor last Tuesday, the business of the Grand Prieur employed him so wholly; to set off the truth in its best light will not be found to *sentir le garçon*; the stories they have from St. Germains of our affairs are so monstrously ridiculous that I perceive they will believe them no longer.

"They say the design of the King's going for Holland is to confirm an alliance with the Duke of Zell, the Electors of Brandebourg and Hanover and other Princes of Germany, in case France should do anything upon the King of Spain's death, which in words they seem to be very averse from, however the preparations they make seem to show the contrary.

"As to particular things, I think Madam Mayercron was rather denied to be in the town than that she was really out; she is better at present. I hear the horses spoken of with all the admiration imaginable; the King goes out with them very often, I have heard a flying report that he was to make Your Lordship a present of fine tapestry *des Goblines*, but I never asked any person living in the least about it, because I would not have it at all thought that you looked for any return, which I am sure is below Your Excellency's temper or your manner of giving things.

"I hear Sir Joseph Williamson has desired to return home, and that Mons. d'Allonne* will succeed him. I am very glad so worthy a man and so good a servant to the King will be there." *Copy.* (XI. 143–150).

Matthew Prior to the Earl of Portland.

1698, [early in August].—"The correspondent, to shew his integrity, has let me see by B[raconier] a memoir particular enough of Fontenay†: it contains his life and actions, how he was taken going into Ireland by my Lord Torrington and brought seemingly into His Majesty's interest, the discourses he had with the Duke of Shrewsbury (then Earl), with the Duke of Schomberg and with His Majesty; and how all this while he held correspondence with Mons. de Louvois by the means of one Lefevre: these particulars I could send Your Excellency, but it would increase the packet to a degree that it might be suspected and opened, and I believe it is not worth the while, since things are settled by a Peace, and the whole account proves the man to be at last a villain.

"Count Guiscard is named Ambassador for Sweden for having defended Namur so well; Tallard, d'Harcourt, Guiscard, all

* *Cf.* Luttrell, *Brief Historical Relation*, iv. 321, 395, 453

† Buccleuch MSS. (Hist. MSS. Comm.) II., Pt. I. 51—54.

gens d'espée, are made ministers; the King says they are properer than the *gens de robe*, and serve him better.

"Mons. des Alleurs, another of the same kind of men, has made his court to the Elector of Brandenbourg in a very new manner; the envoy, especially of crowned heads, never waited on the Elector at table; Mr. Stepney, therefore, retired when the Elector sat, but Mons. des Alleurs stayed twice or thrice behind the Elector's chair; Mr. Stepney wrote me word of this, and desired me to enquire as *en passant*, and by way of curiosity, if des Alleurs had any orders from this Court for his doing thus. I perceive he had; Mons. de Pomponne has said of it that it was *une démarche sans conséquence, que c'estoit fait à une maison de campagne* (it was at Koningsberg), *que c'estoit fait plutôt en cavalier qu'en ministre:* thus, my Lord, you see how these people can let their ministers do anything *en cavalier*, as they call it, upon any occasion by which they would make their court; whilst on other accounts they carry things with the greatest exactness, and are always endeavouring to gain in the ceremonial, as, for instance, in the business of the Duchess of Verneuil.*

"The Grand Prieur continues still in the Bastil[l]e. The Duke de Vendosme has made the greatest submissions imaginable for his brother, and says *qu 'au lieu de la Bastil[l]e il auroit dû estre mis aux petites maisons*; the King is mighty angry as well for the thing itself as that it was done in his son's house; but this is very unaccountable; at the same time that they make such a difference between the family of Vendosme and the Princes of the Blood they would have the Duchess de Verneuil, who is widow to another branch of the same family (that is, to a natural son of Henry the 4th) have rank as a Princess of the Blood.*

"Your Excellency is mightily praised by the foreign ministers that dare speak for having refused to yield this point, though Mons. Saintost would fain put it upon your not having had time enough to write about it to Court, though I have disabused him publicly as to that notion, and said that you absolutely and formally denied to submit to it; if the Dutch Ambassador yield it, I do not well see how my Lord Jersey will get off from it.

"Your Lordship will hear as exactly from Brussels as we can here in what estate the King of Spain's health is; I am told that the last courier brought word that Count Harrach had openly made some proposition in favour of the Archduke; if so, the House of Austria manage very simply, to lay any claim whilst the King of Spain is yet alive, whilst they are in no condition to support that claim in case he should die; and France on the contrary manages wisely, seeming to refer everything to the Council of Spain, and being in the meantime in a condition to vindicate whatever it may pretend to.

* *Cf.* Grimblot, *Letters of William III. and Louis XIV.*, i. 206.

"Collections have been made in all the churches of this city for the poor Irish priests which the late Acts of Parliament sent from that kingdom.

"The Archbishop of Paris may be a very holy man, but he is a very ill geographer if he takes Ireland to be *La Grande Bretagne*; and if by *des pauvres Catholiques de la Grande Bretagne réfugiés en France* he means those whom we banished from England for having been against His Majesty's Government, and in war against their country, his charity is more extensive than reason or justice will permit."

Postscript.—"Twelve of the youngest regiments have been broke since I had the honour to write last to you." *Copy.* (XI. 154–8.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, August 8. [N.S.] Paris.—"The freshest news is that the Grand Prieur is again at liberty, the business between him and the Prince of Conty being made up, and he being to submit himself particularly to the Dauphin for having wanted the respect he owed to his house.

"Count Tallard, Your Excellency will have known, is come to Holland by the way of Calais; he had a great mind to have come to Court, but the King refused him leave cavalierly enough: for Tallard desired to have the honour to wait on His Majesty to lay before him the state of affairs in England, and the King said he was well enough informed of them from the letters Count Tallard had writ him.

"The voyage to Compiègne is said to be for the 29th, so that the King will be there the 1st or 2nd, but this talk of one day and another alters so often that it is hardly worth troubling you with: all the public ministers go thither, from the Nonce to Mons. Palmquist. I would beg Your Excellency to let me know what His Majesty pleases that I should do on this occasion, if I should go to the camp or no: for accordingly I must provide, for I take it for granted my Lord Jersey will not be come before that time.

"I have delivered Your Lordship's letters to Mons. Pomponne, as I have likewise done the others to their addresses. I have a thing of some importance to send to Your Excellency, but will omit doing it till the Dutch Ambassador despatches a courier." *Copy.* (XI. 160–1.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, August 11. [N.S.] Paris.—"I hear the Count d'Estrées is gone out from Brest, as the galleys likewise are from Marseilles. De Genes is gone to Rochelle to hasten his preparations to the Indies. The pretence of his making new discoveries in the South Sea is frivolous; and he could hardly think of landing without being assured of the Spaniards' assistance. Your Excellency will have heard as particularly concerning that Monarch's health as I can send you word from hence.

"Count Harrach's having proposed the perpetual government of the Milanois for the Archduke makes a good deal of noise here; I dined yesterday with the politicians Alsfield* and his brother, Count Guiscard, etc; amongst a great deal of discourse they brought about what we should do in this conjuncture. I told them freely that my opinion did not signify much, but it was that we should be in a condition not to be hurt in the scuffle, but to preserve our own and make the figure we ought of holding the balance of Europe right. From thence we come to talk of the King our Master; it is impossible to tell Your Lordship the excessive praises they gave him; Count Guiscard went further on this head than Your Lordship can imagine, and though I bore it with a seeming modesty and *retenue*, it made me as proud as if I had taken Namur myself.

"I heard in the same conversation that Mons. Pomponne is extremely satisfied with the letter he received from Your Lordship.

"I wish mightily to know if I am to go to Compiègne, that accordingly I may prepare for it." *Copy.* (XI. 163–4.)

JAMES VERNON to MATTHEW PRIOR.

1698, August 1[–11]. Whitehall.—"My Lord Jersey tells me he stays only till he is despatched by the Treasury. I suppose they will take up their meetings again towards the end of the week, but at present all are dispersed about their elections, which is a matter more eagerly pursued than the succession to the Crown of Spain; I mean by all except the French.

"I am glad to see the Archbishop of Paris his charity. I hope the Irish friars will flock to him to partake of it, and not slip over hither, as it is apprehended."

Postscript.—"The enclosed for Beauger was put into my hands by an acquaintance of the Duke of Shrewsbury, who is an alderman of Worcester. I think the sending it will not come within the law of corresponding, since it is but to give an account of a bastard daughter, who, I suppose, requires some care to be taken of her. Whether any in that Court are in a condition to do it, I am unconcerned, nor do I much care what you do with the letter." (IV. 66.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, August 15. N.S. Paris.—"I hope you received the two patterns of the stuff which I sent last post.

"Here is little news stirring; I was not at Versailles on Tuesday, the Court not returning till Wednesday from Marli. The Grand Prieur has asked pardon of the Prince of Conti and of Mons. le Duc; the Prince of Conti answered him that he was more his friend than ever, and had absolutely forgotten all that had passed.

* *Cf.* Luttrell, *Brief Historical Relation*, iii. 10.

"The Duchess of Chartres is brought to bed of a daughter.

"I am confirmed that in Provence and Languedoc there are 80 battalions at present.

"This is all which this post affords, besides my recommending the enclosed to Your Lordship." *Copy.* (XI. 169.)

MATTHEW PRIOR to the EARL OF ALBEMARLE.

1698, August 15. [N.S.] Paris.—"Il n'y a guère de nouvelles ici : si on sçait que le Roy alla un tel jour à Marli, et qu'il reviendra un tel à Versailles, on est le plus satisfait du monde. Ce que j'ay l'honneur de vous écrire touchant les préparatifs de la France en cas que le Roy d'Espagne vienne à mourir se trouvera fort vray ; il y a pour le moins 80 bataillons en Provence et en Languedoc ; on a nommé encore 17 régiments pour estre cassés. Pour le reste je suis vitrier, blanchisseur, menuisier, tout, jusques à l'arrivée de my Lord Jersey, car l'ayant loué la maison de Paris la plus propre dans le plus mauvais endroit de la ville, je suis obligé de luy justifier mon choix par tout ce que je pourray faire pour en rendre les appartemens charmants, et pour divertir la petite colère de Madame.

"J'écris régulièrement à mon maître Portland, mais je ne reçois que fort rarement de ses faveurs ; de sorte que je ne sçay point si je devrois aller à Compiègne ou non.

"Du Menin, ce coquin, a esté avec moi deux ou trois fois ; il me parle comme s'il vous vouloit envoyer du vin, et souhaiteroit de sçavoir si vous avez reçu cela qu'il vous a déjà envoyé

"J'ay une maisonnette fort propre dans le voisinage de my Lord Jersey ; il n'y entrera que des honnêtes gens, des sçavants et du Menin ; on y boira quelque fois à la santé de Milord Albemarle, comme les anciens ont toujours fait à leur Dieu tutélaire.

"Je suis bien las de mes honneurs et voudrois bien les défaire sur my Lord Jersey. Mon petit ministère par interim m'a fait faire une dépense enragée ; mais n'importe, l'honneur du Roy y a esté maintenu et la France a veu que le moindre secrétaire de Sa Majesté a sceu dire à qui il étoit." *Copy.* (XI. 165).

MATTHEW PRIOR to CHARLES MONTAGUE.

1698, August 15. [N.S.] Paris.—"You must give me leave to say that no man alive enters further than I do into the consideration of everything that may touch you, but we cannot help these things ; Master Life and its neighbour Death are amongst Epictetus' τὰ οὐκ ἐφ' ἡμῖν ; and the best we can do is not to be in earnest about them. I wish I were at Hampton Court with you a day or two to fortify my doctrine by diverting you every way I could, for then a man has only occasion for a friend, when his mind

is low and he is wanting to himself. I could write you fine moral sentences upon this occasion, or refer you the long chapter to the Corinthians where St. Paul comforts people against death by calling them fools and dunces; but here is to you, my dear Master, in a glass of honest burgundy: as long as we are here let us live as easy as we can, and e'en take things as they come. Here, Master, *amicitiae aeternae* with all my soul! I protest to you I take part in everything that happens to your affairs, and am depressed and out of humour now as I was pleased with your being of the regency and triumphing over Sir Henry Colt last week.* If people have affections after death, which is a query, I shall doubtless love you longer than I am aware of." (XI. 171.)

MATTHEW PRIOR to JAMES VERNON.

[1698, August 16. N.S. Paris.]—"I rather write to acknowledge the favour of yours of the 1st of August and to condole with Sir Henry Colt than for any news I have to send you.

Egregiam vero laudem et spolia ampla refertis,
Una dolo divum si femina victa duarum est:

a great piece of business if a Viceroy and a Secretary of State have been too hard for a poor private Justice of Peace.

"Brocard was with me sometime since; he is gone amongst our friends. He showed me two papers, one, 'Some cautions offered to the considerations of those who are to choose members, etc.,' the other, 'A proposal about the birth of the Prince of Wales'; these papers were sent from England to have the approbation of our friends here in the country. I have not seen Brocard since, but I have let His Majesty know the thing under the Dutch Ambassador's cover in the *Postboy* from Thursday, the 28th of July, to Saturday, the 30th, *No.* 459. I find that the first of these pamphlets is already printed for William Rogers at the *Sun* in Fleet Street, and A. Baldwin in Norwich Lane. I know not if you would think it worth while to inquire underhand how and from whom these printers had the copy, or if you think the doing so would not too much expose the correspondent. Thus you see, Sir, all arms are made use of that may possibly help to raise seditions, discontents or misunderstandings amongst us.

"I shall take care of the enclosed for Beauger; though I think the bastard daughter may starve for any care that will be taken of her from this side." *Copy.* (XI. 173–5.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1698, August 11[–21]. Whitehall.—"Mr. Secretary Vernon tells me the King did not give any directions for doubling your allowance, though my Lord Portland promised it should be done. Your best way will be to write to my Lord Portland and Mr. Blathwayt about it.

* *Cf.* Luttrell, *Brief Historical Relation*, iv. 405, 407.

"I saw last night our friend in Crown Court who makes a sad complaint of your absence, these embassies carrying away her best friends. She shewed me a lady as fine as your little night-walker of the 'Tuilliers,' and is the first real fine woman I ever saw there, but I am of too rambling a fancy to continue in a place." (VIII. 325.)

H. May to Matthew Prior.

1698, August 11[–21]. Dublin Castle.—"As to what you write concerning your office here, it is true I did at first desire our friend Mr. Tucker to endeavour to prevail with you to appoint me your deputy during your absence, and the consideration for my acting I would refer to him; but I believe he will likewise remember that I soon after told him that when I desired my Lord Galway in London that he would please to approve thereof, if I could obtain your consent, his answer to me was that he could not then tell who my Lord Marquis [of Winchester] and he should think fit to appoint to act during your absence in that station; and I heard nothing more till upon the road between London and Chester they both told me they had resolved to employ me only till your affairs would permit you to repair hither, and that till then they meant the advantage as well as the business to be to me, so that I always looked upon myself appointed by them, not deputed; this being before I received the favour of your approbation of the choice they had made." (IV. 68–69.)

James Vernon to Matthew Prior.

1698, August 11[–21]. Whitehall.—"I find you think it no victory that we got the better of the Justice [Sir H. Colt]: at least you must allow it was a very good escape that we got rid of him in five days, when he intended the poll should last fifteen.

"I suppose you are satisfied that Count Tallard is not coming back so soon. It is more likely that we may hear of his going to Zell.

"The two pamphlets you mention have been in print these six weeks; therefore it was no great discovery to shew you them in writing unless they would tell us the authors. Perhaps I shall find out one of them without their help." (IV. 71.)

Matthew Prior to the Earl of Portland.

1698, August 22. [N.S.] Paris.—"Your Lordship will be troubled at the news of the sudden death of the Princess Dowager d'Epinoy, which happened on Monday last. She was in good health and talking with Mons. Barbesieux in his appartment, and as she came out complained to the Prince, her son, that she was taken with a pain in her head, after

which she lived only two hours, but never spoke; the Duchess de Richelieu is likewise dead. Madam Portsmouth sets out on Sunday for England.

"The great preparations are for the Dutch Ambassador's entry the same day; these people chicane them extremely in the ceremonial, and Saintost* is to them what Bonneuil was to Your Excellency, promising all and holding to nothing; Mons. Heemskirk told me the other day that they had gained the point about the Duchess de Verneuil's sending her coach, which I am very glad of, for if they had yielded it, I doubt we should have been obliged to follow.

"Mons. de Lausun, with whom (as Your Excellency knows) I have been acquainted since my being here in France, does me the honour to be very obliging to me, but at the bottom, I think, his kindness tended to desire to know how matters stood in relation to the pension of King James or rather Queen Mary. He desired to know upon what foot that was, and if His Majesty of Great Britain, *i.e.*, our Master, had engaged himself to pay this pension. After all his asking I perceived he knew each particularity of the thing from Mons. Harlay or the other French plenipotentiaries; I therefore fairly recited to him how the thing stood, and that, when it was promised, it was always understood that it was upon condition that the Court now at St. Germains should behave themselves so as that His Majesty should be satisfied with their conduct; which, I said, I thought he had no reason to be whilst they were daily receiving people in private who came from England, whilst they were sending others thither, even those who were forbidden to come by the justice of our country and by our law, and whilst they hid and underhand encouraged some convicted and others suspected of the most horrid assassination and parricide that ever was intended. I thought it was best to speak out so, and I did it in a manner as if I would not say so much to anybody but to himself in confidence, and by reason of the particular friendship with which, I saw, he was pleased to honour me; and my saying so had the effect I could wish, which was to make him fall upon the King of England's praises, and to excuse himself from having had in the least to do with any of King James's practices.

"At last I gave him to understand, though not as otherwise than my own opinion, that, though we were so far from fearing King James that we pitied him, yet we thought that the priests and others that are about him were a little too near us, and thus we parted.

"On Tuesday that I was at Versailles he would have presented Master Cecil, the second son to the Earl of Exeter, but I thought it was [not] proper he should, considering my Lord Exeter's character in relation to His Majesty's Government; so I made Mr. Cecil excuse himself from being

* *Cf.* Grimblot, *Letters of William III. and Louis XIV.*, i. 206.

presented upon pretence of his small stay here in France, and I did the young gentleman all the honour I could besides.

"He is chosen a Member of Parliament for Stamford; I have given him the best notions I could, and will recommend him by letter to Mr. Montague, so that I hope the gentleman may prove a good subject and be right to His Majesty and his country's interests.

"As to private affairs, Rygault cannot get the pictures finished sooner than in six weeks from this time, I doubt we may reckon two months.

"The enclosed is from Mons. de Pomponne, who gives his humble service to Your Excellency.

"I will trouble Your Excellency no more but to tell you that Bra[conier] is very desirous of assistance. As to my own affair, Mr. Secretary tells me that having spoken to His Majesty and to Your Lordship about it, he does not doubt but that Your Lordship has settled it at 4*l.* a day. I believe I may thank Your Lordship for it *par avance.*

"Lord Jersey says he will be here next week." *Copy* (XI. 175–80.)

MATTHEW PRIOR to JAMES VERNON.

1698, August 13 [–23]. Paris.—"Brocard has been walking his rounds; what he knows is here enclosed. He complains that it is a dead time and that he does not know how to deserve your kindness to him, but this was secretly to anim-advertize me that he had a mind to the fifty pounds, part of which I have given him: he shall have the rest when he pleases; if you please to pay the sum in to Mr. Powys, of the Treasury, he will be extremely ready to receive it.

"I had a long discourse the other day with Mons. Lausun, with whom I have the honour to be much acquainted, about the pension we are to allow Queen Mary. He desired to know upon what foot that matter stood, and if His Majesty of Great Britain had engaged himself to pay it: after all his asking one might easily perceive he knew each particular of the thing from M. Harlay or the other French plenipotentiaries. I therefore fairly recited to him how the thing stood, and that, when it was promised, it was always understood to be upon condition that the Court now at St. Germains should behave themselves so as that the King our Master should be satisfied with their conduct, which (I said) I thought he had no reason to be, whilst they were daily receiving people in private who came from England, and sending others thither even such as were forbidden to come by our laws and by the common justice of our nation; and whilst they concealed and underhand encouraged some convicted and other suspected of the most horrid parricide and assassination that ever was contrived.

"I thought it was best to speak out so, and I did it in a manner as if I would not say so much to anybody but to himself

in confidence, and by reason of the particular friendship with which he was pleased to honour me ; and my doing so had the effect I could wish, which was to make him fall into praises of the King our Master, and excuse himself from having had in the least to do with any of King James' practices. At last I gave him to understand (though not as otherwise than my own opinion) that, though we were so far from fearing King James that we pitied him, yet we thought that some priests and others, whom he had about him, were a little too near us. I have written this conversation to my Lord Portland, and do the same to you, because I believe this man's endeavouring to pump me might be done by order, and I have heard that our friends at St. Germains are a little apprehensive they may be sent further afield, in which case they would (I fancy) close more easily with the pension.

"The King of Spain's health is despaired of by this Court, for which reason I am glad that our squadron is going into the Mediterranean, for (once more) you must keep this peace as you made it, with your sword in your hand.

"The project of campaigning at Compiègne holds for the first or second of September ; the King goes from Versailles the 28th.

"My Lord Jersey tells me he will be here in a week ; I am preparing for his reception. The Dutch Ambassadors make their entry to-morrow ; it will be very magnificent ; they have nine coaches, four of them as fine as ever have been seen.

"This Court (Mr. Heemskirk tells me) have dropped the point they insisted upon, that the Duchess of Verneuil's coach should have place as of a Princess of the Blood, which I am the rather glad of, because, if the Dutch had yielded it, they would have left so fresh a precedent that my Lord Jersey would not have been able to have avoided following it without great difficulty.

"I have received your recommendatory letter in favour of Mr. Pepys' nephew. I need say no more than that bringing your letter he brings a command to me.

—— *Tuus, O Regina, quid optes*
Explorare labor, mihi jussa capessere fas est." *Copy.* (XI. 182–5.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, August 15[–25]. Paris.—"The Dutch Ambassador's entry was the subject of our entertainment yesterday, which would have appeared finer if Your Lordship had not immediately preceded it. Their two first coaches were of those great machines of eleven foot high, very rich on the outside and lined with plain velvet with great gold fringes. Mons. d'Odyck had one set of large greys and another pied, very fine ; two of Mons. Heemskirk's coaches were too plain for a private gentleman to appear here at Paris, where they

like nothing but gilding and show. The Mareschal Tourville introduced them. Madame de Verneuil's coach was not there. The ambassadors did the honour to send to me as to His Majesty's minister to notify their entry; I therefore went in my own equipage with the six horses Your Excellency left here for Lord Jersey to compliment them at Rambouillet, for I thought I was obliged to do the ambassadors as much honour as I could, and to testify, as I do in everything, the great friendship and correspondence (which will, I hope, endure for ever) between our nations.

"We talk of nothing but Compiègne: the King goes from Versailles on Thursday to Chantilli, where he is to lie two nights.

"My Lord Jersey will not be here so soon.

"I have written to know Your Excellency's commands, if I am to go to Compiègne, but have not yet had the honour to receive them. I must beg Your Excellency to finish what your kindness to me began of fixing my allowance at 4*l.* a day; and I hope it may begin from the 20th of January past, when Your Excellency's embassy began, or at least from the 18th of June, when Your Excellency left Paris, or I am quite ruined and bankrupt; and yet I have not been extravagant, but Your Excellency knows Paris, or will do when you see your own accounts.

"I send Mr. Van Leüven the account as it stands in relation to the money of Your Excellency left in my hand.

"I hope for money out of the Treasury if this affair of my allowance were once fixed, which, therefore, I entreat Your Lordship to do for me." *Copy.* (XI. 186–8.)

R[ichard] Powys to Matthew Prior.

1698, August 15[–25]. Whitehall.—"I doubt you will draw another bill upon [me] for a charge, I am to tell you, is fallen upon you, though I doubt it will be hardly allowed in your extraordinaries, which is that you must buy a new equipage of mourning for your good old mother, the Dutch baker in King Street, who fell down dead on Friday last. The virtuous young lady you may be sure is under great affliction and wants you to comfort her.

"I took my leave this morning of my Lord Jersey, who intended in the afternoon to set out on his journey towards you." (VIII. 329.)

James Vernon to Matthew Prior.

1698, August 16[–26]. Whitehall.—"King James being invited to the camp at Compiègne hath been this fortnight in the Paris newspapers. Indeed, it is necessary you should quicken this man [Brocard] up, for one cannot be long amused with such trash: pray let him inform you who this Evans is,

and where he resides when he is in England, and that we may have early notice when he comes over. Brocard made me believe that he had the means of introducing himself into the confidence of that Court as deep as any of them, and I hoped before now that he would have procured to himself one of the commissions of coming over upon some desperate errand.

"I wish your discourse with Mons. de Lauzun may produce some of the effects you mention, but otherwise we see no appearance of their being sent further off.

"You will now have the felicity of my Lord Jersey's arrival, and I give you joy of it. I hope you will have an eye upon Mr. Pepys' nephew, that he doth not go astray. My recommendation of him goes no further than as he and his company shall behave themselves. I believe the old gentleman means fairly, and hath sent no underhand compliments to his old master, having professed the contrary; but young men and ladies may sometimes be libertines and forget good advice.

"I expect to hear very soon from my Lord Portland, and that he will not leave your concerns any longer in suspense." (IV. 72.)

MATTHEW PRIOR to JAMES VERNON.

1698, August 27. [N.S.] Paris.—"The Landgrave of Hesse's sons, who are here *incognito*, have been presented to the King by the Duke of Orleans.

"The Prince of Parma is returned hither through Holland and Flanders in order to his seeing the camp at Compiègne.

"A sermon preached here last week by the famous Jesuit La Rue upon St. Bernard's Day makes a great noise. The Bishop of Meaux and other prelates were present: the preacher, after having made a long panegyric upon his Saint, extolled him more particularly for having combated and destroyed a heresy which Gilbert Poretanus, Bishop of Poictiers, taught or at least encouraged, and at last he compared this Bishop to the Archbishop of Cambray, and St. Bernard to the Bishop of Meaux. The good Bishop is thought to have concerted this sermon with the Jesuit; and we are like to have a division in that good order of men, since most of them at Rome are less violent against the Archbishop's doctrine* than Father La Rue was in his sermon here.

"The Dutch Ambassadors had their audiences yesterday at Versailles in the accustomed manner, and with the same train and magnificence as they had their entry on Sunday. Mareschal Tourville introduced them: Mons. Heemskirk, who is first in the embassy, spoke, and his speeches, particularly those to the King and the Duchess of Burgundy, were very good: the first was full of the joy the Republic had to make a Peace with his most Christian Majesty, and their sincere

* *I.e.*, the mysticism adopted by Fénelon from Mme Guyon.

intentions to keep and maintain it; the second was a compliment handsomely turned to the young Princess of the figure she was like to make in the world, whose marriage had been the occasion and overture of the general Peace's being made. The King's answer, especially that part of it which said he was equally resolved to keep the Peace, was very handsome, and made me begin to think he was in earnest.

"The King and all the Court went in the afternoon to St. Cloud to christen the Duke de Chartres' daughter: the Dauphin and the Duchess of Burgundy were godfather and godmother: King James and his Queen were there, and since most of the ministers went thither from Versailles, I went likewise. I saw King James and his Queen (pray do not hang me for so doing), and there was nothing so odd as to see the Duke of Berwick and Lord Middleton traversing the gallery on one side, and I [*sic*] and Lord Reay, of the good Mackay brood, on the other side, each looking on the other with an air of civility mixed with contempt. The gentlemen belonging to the Duke d'Orléans and Chartres were embarrassed enough to call him one moment *le Roy d'Angleterre* to them, and speak to me the next of *le Roy Jacques:* it was, as most human things are, a farce ridiculous enough.

"King James looks mighty old and worn, and stoops in his shoulders; the Queen looks ill and melancholy; their equipage is mighty ragged, and their horses are all as lean as Sancho's. The King's voyage to Chantilli holds for tomorrow. King James is invited to Compiègne.

"I have the favour of yours of the 11th. Twisdel or Twisden is the cousin of a knight of the same name here. I wrote my Lord Portland the 9th of July word of his having kissed the Prince of Wales' hand. The Queen was then at Challiot [Chaillot], and most of the English gentlemen went thither to see her and the child. My Lord Perth saw him in the crowd, and cried out to his Lady, 'Madam, there is Mr. Twisden'; and putting the Prince forward towards him, Twisden kneeled down and kissed the Prince's hand. These are all the circumstances of that affair, the hand was kissed, and the kisser is doubtless the gentleman that took his pass in April, for about May he and his cousin first appeared here; and he is the son of a man of estate in England, suspected to be a Jacobite, and is looked upon here as of that party.

"I am almost ashamed to tell you that I have neither heard from my Lord Portland or Mr. Blathwayt since their arrival in Holland. My Lord indeed has a great deal of business, and I can only expect to hear from him when he has anything to command me.

"I am infinitely obliged to you for putting His Lordship in mind of my allowance. I hope it is fixed, and am ashamed to have given my friends so much trouble in it; but Mr. Blathwayt, I say, ought in conscience to let me have heard [*sic*]

that the King was arrived in Holland, and when he went further, considering I am at a Court that is inquisitive enough and value those ministers that they see know their business, and can give an account of their own department. *Sed nobis non licet esse tam disertis*, because I have not the happiness to be one of his favourites; and a consul in any corner of Italy shall be certainly written to—no matter for the Secretary at Paris; for Lacrimae Christi and White Florence are very good wines: but this is too ill-natured a reflection." *Copy.* (XI. 189–93.)

MATTHEW PRIOR to JAMES VERNON.

1698, August 30. [N.S.] Paris.—"The last letters from Madrid received by the Court here give a little better account of His Catholic Majesty's health; that he had at least no relapse for some days before those letters came away, though his weakness still continued. The news we have from this Court upon this subject is not indeed to be much relied upon, for you will hardly hear sooner from Marli or Versailles that the King of Spain is very ill, than you will from Madrid that he is dead.

"The Marquis d'Harcourt presses the Council of Spain to make a strict alliance with France: in what this alliance is to consist I know not, for it is spoken of but in general terms. Cardinal Mazarin, you know, after he had made the Treaty of the Pyrenees, had a project of this kind, but the Marquis d'Harcourt must have a great deal of sense and ready money to bring that design to perfection at this time.

"Every motion we make awakens the curiosity of this Court: they will have it that the King's going to Zell is to concert an alliance with the German Princes. Their great inquiry is what Aylmer is to do in the Mediterranean, though we do not question them what d'Estrées does there. The most sensible part of the Court cannot but secretly commend us, and think we mind our affairs in sending him thither. His most Christian Majesty went on Thursday to Chantilly, and will be to-night at Compiègne; the ladies are of the voyage; the Dutch Ambassadors are to have their audience of Monsieur, Madame and that family this day at St. Cloud.

"After all the compliments between these Ambassadors and our friends at Versailles the affairs of commerce between the two nations are in no fairer way of being accommodated. One of the Commissioners told me that their last meeting was not above half an hour, and no way decisive in any one point.

"Count Tallard is sure the first Ambassador that ever was lost: everybody here ask[s] what is become of him: he had only a bare commission from the King his Master to begin the voyage, and had not assured himself that he should have the same from ours that he should continue it.

"It is a long time since I dunned you about the affair of my projectors that will secure our ships by a new sort of

tar ; pray, Sir, does our Admiralty think proper to encourage the experiment, or what must I say to the undertakers ? I am pressed by some of this Court to solicit the affair of the *Cheval Blanc* de St. Malo, Guillaume Berne, Maistre ; I know not in what estate it is, and you must pardon my inquiry, which was only to acquit myself of a promise I made that I would mention it to you, than that I have any concern what becomes of it.

"I have yet another thing to trouble you with : the Venetian Ambassador here is mightily concerned to know what reception his *confrère* shall meet with in England as to the ceremonial. I have told him that an ambassador extraordinary would certainly find the same treatment as those who were last in England, and that an ordinary ambassador would be regulated according to that model in proportion ; but he is not satisfied with this answer, and I know not how to get him a better."

Postscript.—"You see still in the *Gazette de Paris* enclosed that the King and Queen of Great Britain were at St. Cloud, and it is the King of England is at Loo." *Copy.* (XI. 194–7.)

MATTHEW PRIOR to CHARLES MONTAGUE.

1698, August 30. [N.S.] Paris.—"I have written one letter to you to congratulate you in your honours, one to condole with you, and here is a fourth to thank you : what shall I do, Sir, to express the obligations I have to you besides respecting you and obeying your commands for ever ? but I can better think than speak upon this subject, and you had rather let me talk of anything else.

"The King of Spain's health is the weather-glass upon which all our politicians look : as that rises or falls we look pleasant or uneasy. I am glad to tell you that I think France is as much afraid he should die as we can be, and what alliances the King of England is making in Germany, and what Aylmer is to do in the Mediterranean are questions proposed to me at least twice every day. The Dutch Ambassadors have been received here with all the external civility imaginable, but I do not see that from thence that the affairs of commerce between the two nations are more likely to be adjusted. One of the Dutch Commissioners told me himself that their last meeting was not above half an hour and no way decisive in any one point.

"This Court is gone to see their Monarch a-cockhorse at Compiègne. I follow as soon as my English nag arrives, and I shall a little have settled my Lord Jersey. I faced old James and all his Court the other day at St. Cloud. *Vive Guillaume !* you never saw such a strange figure as the old bully is, lean, worn and riv'led, not unlike Neal the projector ; the Queen looks very melancholy, but otherwise well enough ; their equipages are all very ragged and contemptible.

"I have written to my Lord Portland and Mr. Secretary the sum of several discourses I have had with Mons. de Lausun and others, or rather they with me, about the pension which we were to allow the Queen: do we intend, my dear Master, to give her the fifty thousand pounds *per annum*, or no? If we do not, I (or rather my Lord Jersey now) should be furnished with chicaning answers when we are pressed upon that point, for it was fairly promised, that is certain; if we do, the giving it openly and generously would establish the King a reputation in the minds of the French, which, if we give twice that money to purchase, would not, I think, be bought too dear: but this is my own sentiment and to my own Master: for the rest, *quæ supra nos nihil ad nos.*" *Copy.* (XI. 198–200.)

James Vernon to Matthew Prior.

1698, August 22[–Sept. 1]. Whitehall.—"I wonder you should not hear from Mr. Blathwayt: he does not use to be wanting in writing either long or short letters. Instead of your Lachrymae Christi and White Florence, can't you suppose that his letters have been opened at the French post-houses, and finding they were of consequence, they have been carried to Versailles instead of Paris; or otherwise he might not think the news he uses to send fit for a minister in so polite a Court. What reputation would it give you for intelligence to be able to tell which way the stag ran such a day, and how long the chase lasted!" (IV. 75.)

St. Evremond to Matthew Prior.

1698, August 22[–Sept. 1]. London.—"Je dois toutes vos honnêtetés, et le dessein que vous aves de m'obliger à votre mérite plus qu'au mien: si vous n'éties naturellement obligeant je n'ai aucune qualité qui put m'attirer la grâce que vous m'aves faite. La considération de Mons. le Duc de Lausun peut y avoir contribué; mais comme j'en dois recevoir l'avantage, c'est à moi, Monsieur, de vous en faire tous les remercimens possibles. La grâce que vous me faites me donne l'honneur de votre connoissance, que j'estime plus que la grâce mesme. Je me tiendrois heureux de trouver une occasion où je pusse vous témoigner le ressentiment que j'en ai."

Postscript.—"Vous aures la bonté de faire donner ma lettre à Mons. le Duc de Lausun, et d'asseurer de mes très humbles services Mons. l'Ambassadeur et Mme l'Ambassadrice." (IV. 76.)

The Earl of Galway to Matthew Prior.

1698, August 23[–Sept. 2]. Dublin Castle.—"Je ne fais que vous donner de la peine. Le succès de toute celle que vous avez prise pour mes intérêts en France ne m'a point trompé Je ne l'ay jamais attendu meilleur; mais il a fallu

suivre le conseil de ses amis et faire plustôt des démarches inutiles que d'avoir quelque chose à se reprocher. Mon plus grand chagrin est par rapport à vous, qui avez tant travaillé sans aucun fruit." *Signed.* (IV. 78.)

MATTHEW PRIOR to JAMES VERNON.

1698, Sept. 3. [N.S.] Paris.—"My Lord Jersey came hither on Monday night in a post-chaise with his secretary and two domestics only; and does me the honour to be with me *incognito*, nobody yet knowing of his arrival: my Lady and family will come on Friday night, so on Saturday the Ambassador will be supposed to be here.

"I have not seen Brocard since my last: by another friend and indeed by twenty circumstances it is reasonable to believe there is no great matter of news stirring in that Court. By what I have yet seen of the conduct of Mr. Pepys' nephew it is likely to prove innocent enough.

"Mons. Pontchartrain and all the *Bureau de Marine* is gone to Compiègne with the King, which looks as if some orders of that kind were to be dispatched there." *Copy.* (XI. 201.)

JAMES VERNON to MATTHEW PRIOR.

1698, August 25[–Sept. 4]. Whitehall.—"As to your tar projectors I find they have a sort of an agent here. I have told him, as I writ to you formerly, that neither our Admiralty nor Navy Board know what to say to it till they see the experiment made. I hear they are at work at Dunkirk, and methinks it should be no great trouble to them to send over one hither who is instructed in their secret, that may convince the incredulous of such of the effects as are triable here. If they are shy, we are reserved." (IV. 79.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1698, August 25[–Sept. 4]. Whitehall.—"I have no news of your 'cobbs' [dollars] from Ireland, nor have I any directions from you to write to Mr. May about them, without which I think I ought not.

"Mons. Paul Boyer has been very ill of a fever, but is upon recovery. Sir Fleetwood Shepherd (who has for some time been in effect dead) marched off yesterday morning; Admiral Mitchell, it is said, will succeed him as Black Rod. Sir Henry Hobart had a quarrel with one Mr. Le Neve in Norfolk, and fighting, the former was run into the guts, of which he is dead, and the other into the arm.

"I cannot find any direction yet come for your additional allowance." (VIII. 333.)

The MARQUIS DE TORCY to [MATTHEW PRIOR].

1698, Sept. 8. [N.S.] Compiègne.—Informing him that the duty on wines and liquors imported into Paris must

be paid by everybody ; even on wines intended for the King. In Lord Portland's case, it is true, the wine was admitted free on the assurance that the duty would be paid, but it is still owing. Therefore the duty demanded of Lord Jersey is in no way exceptional ; and his passport does not exempt from payment. *French. Signed.* (XX. 147.)

MATTHEW PRIOR to JOHN TUCKER.

1698, Sept. 10. [N.S.] Paris.—"The last letter I troubled you with was to desire you to fix my affair with Mr. May, but by the abstract of a letter I received from him last post I see what opinion he has of it. I must protest to you before I say anything of this affair that I am abundantly convinced of your sincere friendship to me, and that I am assured you were as much mistaken in the man as I was, and that you meant a common kindness to two friends when you desired me to employ him during my absence : this being said, you will imagine that I cannot enough admire that a man, that by all his letters to me has never mentioned anything in a year and half of his being employed as first secretary by my consent and kindness, should thus act with me ; and that too when by his own letters he has given me account from time to time of what has been received in the office ; and not only so, but when he knows that my Lord Galway has in a manner excused to me by letter his having abridged some of the fees, and that the Secretary of State has by the King's own order excused more than once my absence upon account of my being absent on the King's business and by his own order ; and that he has seen that the Lords Justices themselves have and will continue to divide the appointment with my Lord Jersey, who is just in the same case with me ; and that Mr. May knows it was in my power to have nominated anybody else to act in my stead. The sum of all this is, that if he persists in the opinion he is now in, I shall be obliged to right myself as I can, which, I think, will be by drawing up a *factum* from the letters that have passed between us, and soliciting all the interest I can possibly make to do myself right. Mr. May will best judge if he will get the better of me upon this proceeding, or if this may not do him more prejudice than he is aware of, and if he does not stake his reputation, and possibly his fortune against six or seven hundred pounds. But before I will do anything of this kind I will write him a friendly letter ; and if upon it he thinks good to return me the whole, always standing to your arbitration, which I will do most heartily, our affair may go well, and the secret of this last demarch of his may be kept between us three, and shall be forgotten by me as to any resentment or heart-burning hereafter. But if Mr. May goes on in the way he is now, he must not impute it to me as a fault if I strive to do myself the severest justice. Whatever happens of this kind, I hope the friendship between you and myself will

never be diminished by what any third person can effect; as I have evident right on my side, so I know—between you and I [*sic*]—I have interest more than sufficient to back it, but I will act in relation to him whom you have thought your friend as becomes me, who really am and will always continue so." *Copy.* (XI. 203–6.)

JAMES VERNON to MATTHEW PRIOR.

1698, Sept. 1[–11]. Whitehall.—"By a letter I received this day from my Lord Portland I find an account is sent you that he had moved His Majesty, and your double allowance is settled from the time of your going over. This hath been a frank and generous kindness, and I wish you had nothing to do but to reap the benefit of it. I hear the Lords of the Treasury are now afraid of the precedent, and even those who would not have you disappointed are for changing the method, and instead of a daily allowance would have you receive it by way of bounty in a lump. This will be indifferent to you, provided you have your total at last." (IV. 81.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Sept. 12. [N.S.] Paris.—"I have the favour of Your Excellency's letter of the 2nd, but it came only with those of the 5th. I hope to hear in a post or two from Your Excellency, though I dare not press you, for I know how little leisure you have, but the correspondent presses me by B[raconier], though, indeed, he has little to give us for the value of what he has had from Your Excellency; and Bra[conier] presses me likewise for himself; Bayly, too, desires to know what is to become of him, if he is to stay where he is, and if Your Excellency will continue him his pension there; and the last pension I will trouble Your Excellency about is my own, which, I hope, you will not forget to have settled by reason the Treasury is now in a condition to pay me something of it.

"Davies is gotten to Saint Germains; he pretends he would refund the money if he saw an order under your hand for his so doing, but he is so great a villain that there is nothing to be done with him. Colonel Burk has endeavoured with great industry to serve Your Excellency (as you already know) in this affair, and when Your Excellency sees proper to recommend the poor man's case to His Majesty's commiseration, it will be indeed a great piece of charity in you. It is hardly worth troubling you with what they do at Compiègne, it is so dirty there that the horses can hardly move; I do not go there, not having had any orders, and waiting upon my Lord Jersey (as my duty commands me here).

"The squadron which the Count d'Estrées commands is arrived at Toulon, which is the only considerable news which this post affords.

"I cannot get Riqcaut to finish your picture yet, though I press him as much as I can possibly." *Copy.* (XI. 208–10.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1698, Sept. 5[–15]. Whitehall.—"On Friday last Mr. Chancellor of the Exchequer enquired of me how much the doubling of your allowance would come to. Accordingly I made him a state thereof, by which it appeared to be 728*l.*; he afterwards ordered a warrant to be drawn for the King to sign, to pay to you 500*l.* as of the King's bounty, which was sent that night to Mr. Blathwayt for the King to sign. The fees of this will cost you more than your other money.

"I have so many obligations to you that I blush to think you should add to them by sending me a present of wine. If you please to let it be directed to Isaac Manley, Esq., at the Custom House, London, and to let me know when you send it and by what ship, I hope to save the custom."

Postscript.—"Sir Robert Howard being dead, the Treasury have constituted the Chancellor's brother, Mr. Christopher Montague, Auditor of the Receipt of Exchequer, which is a 'bob' for the noble Marquis of Carmarthen." (VIII. 337.)

The EARL OF PORTLAND to MATTHEW PRIOR.

1698, Sept. 5[–15]. Loo.—"Je vous remercie de vostre dernière du 29 d'Aoust; j'avois appris l'entrée et l'audience des Ambassadeurs de l'Estat; je ne sçay si vous courés risque de la vie pour avoir veu le Roy Jaques, mais bien que j'ay ry de tout mon cœur de votre récit; c'est la plus sotte chose du monde d'estre obligé de changer de ton et de style d'un bout de la chambre à l'autre. Si j'avois veu vostre Gouverneur sur son bidet faisant son homage à la portière je suis seur que je l'aurois fait rougir; mais tout ce jeu est ridicule et ne sauroit durer longtemps; et il faut que cela tourne de l'une ou de l'autre manière.

"Il me semble que vous estes de sentiment que la pension devoit estre payée devant la retraitte, mais je ne suis pas de cette opinion. J'ay parlé au Roy touchant le temps que vous aurez l'augmentation de vos gages; Sa Majesté la accorde depuis le temps de vostre départ, mais il ne veut pas que cela se sache à cause de la conséquence dont cela seroit pour d'autres. Ainsi j'ay escrit a Messrs. Montagu et Vernon pour les prier de consulter ensemble pour voir la manière de le faire facilement.

"Il faudra un peu savoir ce que l'on pourra donner par an à Br[acon]ier, et de quoy vous croyez qu'il puisse vivre, et puis je le lui feray avoir, car le Roy y'a consenti."

Postscript.—"Je voudrois que la calesche que Mons. du Mont me fait faire peut estre preste pour m'estre envoyée avec le bagage de Mons. d'Odyck. Gardés entre vos mains l'argent que vous avez encore à moy: je vous écriray comment en disposer à moins que Mons. d'Odyck n'en eût besoin pour le service du Roy." (IV. 86.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Sept. 15. [N.S.] Paris.—"I have the honour of Your Excellency's letter of the 5th. I shall say no more of His Majesty's goodness to me, or of Your Lordship's favour in procuring it, than that I shall always study by my zeal and diligence in His Majesty's service to deserve the continuance of both to me, and I will make no other compliment upon it to Your Excellency than that I will always be obedient and active in performing all your orders and commands.

"I shall write on Wednesday some hints I have had of letters which will be sent into England from St. Germains; I shall write of it, I say, to the Secretary of State; I do not trouble Your Excellency with it yet, since the informations I have are imperfect and the way of sending by Holland a little subject to uncertainty; but I write to the Secretary in cipher, which is something surer.

"Bayly has been with me again: I write to Mr. Van Leuven about the continuance of his allowance; I have not heard in some time from the correspondent, nor can he, I think, have much at this season more than he has already told us.

"The ladies about whom B[raconier] interested himself are gone this morning for England; I have recommended them to Mr. Boyle and Fielding by letter; I believe they are rather whores than plotters.

"We have little public news; the enclosed will tell you how furiously they attack and how gloriously they defend themselves at Compiègne, but the wet weather spoils all the parade. People that have a mind to laugh call it the *Camp des Marionnettes*, and they call Mons. de Boufflers Briocher, which is the name of the master of the *marionnettes* here at Paris. It is not only my Governor who mounts his *bidet* upon occasions; your friend Boufflers does as much, he treated the Court the 10th and King James with a great deal of splendour and magnificence and rid out with the latter in the afternoon. He is so pleased with this command that (I am credibly informed) he designs to buy the village of Coudun, where the headquarters are, and get it annexed to his Duchy of Boufflers, and will have it called *Coudun les Rois*; but though this be seriously talked, I own it looks too ridiculous to be true.

"King James came from Compiègne the 13th, and in his way to Saint Germains called at Challiot [Chaillot], where the Queen was in devotion till his return. I know not if I explained myself right as to these people's pensions being paid by what I laid before Your Excellency of the discourse I had upon that subject with Mons. de Lauzun. Your Lordship sees how I act with all of them that speak about this business; and what I meant was only how far I might venture to say the pension would be paid in case they were

removed ; for as I have said to them all, I always understood this to be the secret condition upon which it was promised, and that I thought (as I am sure the French plenipotentiaries must do) at the signing the Peace, that we could never be thought to give away such a sum of money on any other account or consideration, and for the truth of this I always referred them to my Lord Jersey, when he should come, who was at the signing the Peace, and thus far I was sure I could not be wrong, for it was what I had said to Colonel Hussey before Your Excellency.

"According to the commands you gave me in your letter of the 5th, I have waited on Mr. d'Odyck, and signified to him that I am ready to pay him the 3,000 *livres* when he shall require it; and I shall likewise take care that the calesche and the pictures be ready to be brought with his goods into Holland. I hasten Rigault as much as possible.

"Upon this occasion of the picture I have a petition to make to Your Excellency, which I would have spoken of whilst you were here, but I really durst not ; it is that I have and shall have the pictures of the Masters I have had the honour to serve under, as my Lord Pembroke, Jersey, etc., and if Your Excellency would give me leave to have your picture copied by Rigault I should esteem it, as I ought to do, as a very great favour. I would not by this have the impudence to beg 30*l.* of you for the charge I would pay, but I only mean that I durst not take the boldness to have the copy taken without having Your Excellency's consent. Monsieur Van Leüen will give me Your Excellency's answer upon this request of mine without my giving Your Excellency the trouble of an answer." *Copy.* (XI. 210–15.)

Matthew Prior to H. May.

1698, Sept. 17. [N.S.] Paris.—"I must trouble you again about Mr. Zurlauben's affair. He desires that you would give this letter to the lady with whom he left his plate, and to return her answer either written or verbal, which he will, he says, rest satisfied in. This importunity is rather from my Lord Portland than myself, so I can the easier desire you to pardon it.

"But I must beg your patience to hear me upon another subject, in which I only am interested ; 'tis upon the contents of the letter I had the honour to receive from you of the 11th of August, which I would not answer too suddenly or rashly, but upon consideration, and with the kindness of a friend.

"First, therefore, you must give me leave to tell you that no man could be more surprised than I was that you and I understood each other so very little. Mr. Tucker, my good friend, interceded with me that you should exercise my employment whilst His Majesty's service ordered me elsewhere. I consented to it readily, and thought no man so

proper to be for some time in the station of First Secretary as he whom two of the Lords Justices had honoured with the title of Second Secretary, but as well Mr. Tucker's letters as yours for a year and half, which I have by me, gave me (as I thought) to understand that you were deputed by me, and accountable to me; and I refer myself to you if in this year and half you ever gave me any one word or hint to the contrary.

"As to your being named by their Excellencies the Lords Justices, *sub judice lis est*: I take it for granted that the First Secretary being appointed by the King, His Majesty orders or dispenses with the service as he judges proper, and as he does with that of one of the Lords Justices; and I have reason to think their Excellencies are of the same opinion. How far His Majesty will be pleased to interest himself in this small affair of mine will be seen hereafter; at least I am sure he knows that I am here by his special order and appointment, and that I had rather be at Dublin performing the functions of my place than contending at this distance for what I esteem my right.

"The letters that by His Majesty's command have been written into Ireland about me confirm me in this opinion, for why should the Duke of Shrewsbury and my Lord Portland by His Majesty's order and consent write to have Mr. Prior's absence dispensed with if Mr. May was to have the profits? Could all that His Majesty meant by this be only that Mr. Prior should not be turned out from his place in Ireland because he was commanded to serve in Holland or France; because the King would not let him come from the first of these places till the Peace was made, and commanded him to stay in the second till he thought good to recall him? If this had been all, what need had I of these letters? For if the Lords Justices had written to me that I must repair to Dublin or lose my charge, it had been time enough for me to have procured such letters in my favour, but on the contrary I have always had very obliging letters from their Excellencies to invite me, when His Majesty's orders should command, to come to my charge. I hope my zeal and industry in their service will show the sense I have of their favour; but indeed I can never think that the King's order or their Excellencies' should compliment me so nicely with the name of Secretary as not to intend me one farthing of the income, and I think the third of my masters is so far in my case as to be on my side, though I perceive in this almost year and half you have been so far from consulting him in it as never to have written to him.

"The sum of all is, Sir, that as yet I have neither written or spoken to any person but to Mr. Tucker about the state of our affair; if you please to render me an account of the fees legally and fairly received in the office from the 17th of May, 1697, on which day the King nominated me First Secretary

of Ireland (always understanding that I allow you a consideration for acting as such, which consideration shall be left to the arbitrage of Mr. Tucker), I shall be satisfied and the affair terminated; but if you persist in the sentiment wherein you are at present, you must allow me to use all my interests and solicit all my friends that I may have that done me which I esteem justice. This, Sir, I leave to your consideration: favour me as soon as you can conveniently with an answer, and act with me in the same free and open manner as I do with you, for as yet the thing is only between you, Mr. Tucker, and myself, and may still continue only so if you please; but if you think otherwise of it, do me the justice to say that I writ to you in this friendly way before I thought of righting myself by any other." *Copy.* (XI. 216–21.)

Matthew Prior to James Vernon.

1698, Sept. 17. [N.S.] Paris.—"I have the favour of your letter of the 1st, the day after I had rejoiced over one from my Lord Portland, which told me my allowance was doubled. I cannot help it if the King's generosity in this point does not agree with the methods of the Treasury, but I know that His Majesty, my Lord Portland, Mr. Mountague and Mr. Vernon may either give me 40*s.* a day or an equivalent, and I think the fellow in Terence was no ill counsellor that said

> *Quaeso, quando id quod velis non possit, velis id quod potest.*

The only difference that I see between your methods is that your 500*l.* at a lump and 500*l.* after will give you more trouble, for provided these sums are repeated often enough to make the calculation even with 40*s.* a day augmented (I keep to my text, you see), neither Mr. Powys or I shall be much concerned.

"In short, you may do what you please with me, for whilst you are Secretary of State it is as much impossible that you should let me want, as it is that I should be insensible of your favour.

"We have nothing stirring here more than the enclosed informs you, and if every post afforded as little as this, I think I should hardly deserve what I have already. Pray send me word if you know the hand in which this enclosed is written, for in it is that the Abbé Renaudot has the article from England for his *Gazette*, and my correspondent says it comes from the office." *Copy.* (XI. 221–23.)

James Vernon to Matthew Prior.

1698, Sept. 12[–22]. Whitehall.—"I have received your letter of the 16th inst., N.S., and we have since had a confirmation by the Corunna packet-boat of the ill

condition of the King of Spain's health, which, I am afraid, threatens us with trouble enough.

"The enclosed piece of news you sent me I conclude is the handwriting of Mons. Delafaye, who translates the *Gazettes* here into French, and I believe hath held a long correspondence with Abbé Renaudot. What is in that paper is of no great consequence."

Postscript.—"I believe you have heard of three brothers who were formerly in a proclamation and taken up on account of the assassination, viz., George, Thomas, and Bevill Higgons. There appeared no proofs against them of that crime, but their affections to the Government were neither remarkable before nor since. I hear they are lately gone over into France, and particularly that Thomas Higgons is gone to St. Germains; you will be able to get the best account whether it be so or not, and what business brings him thither. You will endeavour therefore to be informed with whom he converses, and in what manner, and whether the two brothers are with him.

"I am likewise told of one Charles Eden, son to Toby Eden, of the Exchequer Office, that he is lately gone to St. Germains; I hope you will find those who can satisfy us in the truth of it." (IV. 90.)

J. Van Leeuwen to Matthew Prior.

1698, Sept. 13[–23]. Loo.—"You will be pleased to tell Bayley that he is to be continued as before, and as long as he shall deserve it. Pray acquaint him that I received his letter with the enclosed for His Excellency, and that he will continue upon the same foot. The money for him is to be remitted to you out of the privy purse.

"His Excellency [Portland] is willing to present you with a copy of his picture, and you have only to set Rigault at work without loss of time, for His Lordship is impatient to have the original. Be pleased to pay Rigault for your copy and place it at my account."

"His Majesty's departure for Cell is fixed upon this day sennight, the 30th inst., and accordingly all the *relais et voitures* are regulated and ordered already. I believe that it will be four weeks before the King can be back at Loo. His Majesty will be attended with a good number of persons of quality, as Mons. Ouverkerk, Lords Portland, Albemarle, Essex, Lexington, Raby, Monpouillan, Selkirk, Gatigny, Blathwayt and some others. The Duke [of Celle] makes great preparations for His Majesty's reception." (IV. 95.)

James Vernon to Matthew Prior.

1698, Sept. 15[–25]. Whitehall.—"I have your letter of the 20th inst. to acknowledge. I care not how long your express is deferred that should bring us the news of the King

of Spain's death. We had rather you should hold on making mock camps and take Compiègne over and over, provided you let Barcelona and Madrid alone.

"I hear one Cavenagh is gone over lately who is son to a page of the back stairs at St. Germains. If you hear any account of him, you will let me know it, and whether he be employed as one of their ordinary messengers.

"I am told that my Lord Molyneux's eldest son and one Mr. Fenwick are lately come over hither. If they have been at St. Germains, I suppose you will have heard of it." (IV. 91.)

The Earl of Portland to Matthew Prior.

1698, Sept. 25. [N.S.] Loo.—Concerning the petition of Prévost and Bonnet, Canons of Orange, to King William to confirm their appointment to the benefices to which they were presented by King Louis during the interregnum.* Their case as well as that of the Abbess of St. André is warmly supported by the Bishop of Orange and the Ministers of the Court of France. His Majesty has acceded to their desire, but the Pope complains of an encroachment on the rights of the Church, and has notified the Commandant of Orange that, if the Canons are left in possession of their benefices, he will forbid all commerce between the County of Avignon and the Principality of Orange; although no complaint was made during the interregnum.

As His Majesty granted the confirmation as a favour to the Bishop and the Ministers, it is only right that they should use their influence at the Court of Rome to prevent the enforcement of the Pope's threat; and Mons. Blisson will give further information to Prior and Lord Jersey whereby Pomponne and Torcy may be induced to make representations to the Nuncio with this object. It should be pointed out that the Princes of Orange have enjoyed the *regale* within the Principality from time immemorial without opposition from the Papacy; and this is merely a case of confirmation. Further, if the interdict were put into execution, the inhabitants of the county would be the greater sufferers, as their possessions in the Principality exceed those of the Orangeois in the county. Lastly, it should be hinted that by reason of the good understanding which King William purposes to maintain with the King of France, it is his intention to nominate none but natives of Orange or Frenchmen of the neighbourhood recommended by the French Court to vacant benefices, so that it is to the interest of the French Court to prevent the Pope from impeding His Majesty's exercise of the *regale*.

The assistance of the Dutch Ambassadors at Paris and of Mons. de Vriberghen should also be solicited. *French. Signed.* (IV. 96–7.)

* *I.e.*, while the Principality was occupied by the French.

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Sept 29. [N.S.] Paris.—"On Saturday my Lord Jersey had a private audience of the King in his closet, the Marquis de Torsi, Mons. de Saintôt and myself being only present; it was (as it used to be) a great deal of protestation of the King of France's side that he would cultivate the friendship and good correspondence with the King our Master, and do everything by which he might render my Lord Ambassador's stay here agreeable to him, but for all these fine words, King James and Queen Mary were at Versailles at six the same afternoon, and the Prince of Wales with the children at four. I had the curiosity in the afternoon, whilst my Lord Jersey was visiting some ladies, to be in the great apartments whilst the boy went by; I had only shatterheaded young Saintôt with me, whom I took for a chaperon; Your Excellency will imagine how my Lords Perth and Melford looked upon one who saw their Prince come by without paying him any respect. It was told (I perceived) to the child who I was: he is not handsome, but he is lively enough.

"Though this letter may be broken open, I think it may be written without any cipher, that in the sense of all understanding men, even of the French here, this Court makes a very ridiculous figure, whilst in the morning they receive an ambassador from the King of England, and are visited in the afternoon as they were on Saturday. At Fontainebleau there will be difficulties of this kind, which I do not see how they can get over, for it will be extremely odd for my Lord Jersey to stay behind whilst all the ambassadors go, and it will be very hard for His Excellency to be at the public meetings and assemblies there without seeing King James and his followers.

"This Court will have it that the King of Spain is better, and that he will be once more removed to Toledo.

"Everybody is very kind to Lord Jersey, my Governor is particularly so.

"My Lord goes again to Versailles to-morrow, and will, I believe, speak to Mons. Pomponne upon the affair, which appears so very senseless that the Court of France ought to be first in remedying it.

"Mons. d'Odyck took his leave of this Court yesterday." *Copy.* (XI. 224–6.)

MATTHEW PRIOR to JAMES VERNON.

1698, Oct. 1. [N.S.] Paris.—"My Lord Jersey has had his private audiences in the accustomed manner, and with all the satisfaction imaginable as to the exterior, but for all the fair words we had from the King on Saturday, King James and Queen Mary were at Versailles at six, afternoon, and the Prince of Wales was with the children at four. I had the curiosity, whilst my Lord Ambassador was visiting the ladies, to see the boy as he passed through the great apart-

ments. My Lord Perth and Melford were with him; you will imagine how they looked upon an Englishman that let their Prince pass by without taking any notice of him; it was told the boy, I perceived by his looking, who I was; he is not handsome, but he is very lively. I can tell you he is a true Papist, for I saw him say his prayers and cross himself before the altar. After all it is a ridiculous figure that the Court of France makes, halting thus between God and Baal. I know not what they will do at Fontainebleau, whither they have already invited King James and his Court, and where also my Lord Jersey will go and expect to be used with all the dignity that an English Ambassador should have; but by twenty things here I perceive they are mightily embarrassed about it. All my correspondents are out at their posts; so not having seen but one of them this week, I can only tell you in general that persons and letters come frequently from England to St. Germains, and that everybody is welcome that comes thither with a story from your side, though it be never so ridiculous. One of the Higgens has been here at Paris, and I am told has been privately at St. Germains. I have not heard of the others mentioned either in yours or in Mr. Ellis' letters." *Copy.* (XI. 226–8.)

Matthew Prior to James Vernon.

1698, Oct. 4. [N.S.] Paris.—"I have had a fellow with me—his name is Dennis Kelly, his country Ireland—who per various causes came into France after the business of Limerick, has long been ill-used at St. Germains, was in England last winter, where he would have gotten some money of some Jacobites, or have discovered them to you, or anything for bread; but was chased from England by one Mrs. Chilton, who was laundress to the Prince of Wales, she frightening the fellow by telling him she had interest with Sir Stephen Fox and would have him lie in a jail; and the fellow being afraid, for that one witness in England is not sufficient, otherwise he would have discovered her and others who hold correspondence at St. Germains. This is the fellow's story as you will see by the enclosed papers which he has given me. The question is if anything he has here said, or that you think he can say is worthy of your hearing or your vouchsafing him a pardon. What he says for himself that looks in the least meritorious is that he knows all the faces that have appeared at St. Germains for seven years past." *Copy.* (XI. 230–1.)

James Vernon to Matthew Prior.

1698, Sept. 26[–Oct. 6]. Whitehall.—"I should be glad to have a certain account what the person you mention has been doing at St. Germains. There is a rumour as if a great number of horses were lately gone thither. I question

whether any are so generous as to send them for presents. We heard a good deal of one Lewis in the Plot time who had been gentleman of the horse to my Lord Feversham: this person bought most of the horses for the assassination, and kept some of them in Somerset House stables. I am told he hath lately carried over a parcel of horses for Paris; if any of them go to St. Germains, it is not unlikely but those may be presents; as least the man will be well received for his former services." (IV. 92.)

H. May to Matthew Prior.

1698, Sept. 27[–Oct. 7]. Dublin Castle.—Explaining the cause of his misunderstanding with Prior as to the salary of the First Secretary at Dublin, and promising to hand over such a share of the receipts of the office as Tucker shall think just to the person appointed by Prior to receive it. Is anxious to meet Prior in a reasonable spirit, so that the matter may go no further than themselves and Tucker. (IV. 93–4.)

The Earl of Portland to Matthew Prior.

1698, Oct. 7. [N.S.] Goeur [Goeree].—"J'ay bien receu vostr e dernière du 22 passé. Il est certain que la déclaration du Roy de France, que vous m'avez envoyée, me semble estre contraire au traitté de Ryswyck et au commerce de la nation Anglaise aux Indes. Je ne sçay quel tour ils voudront donner à cela; je crains que nous ne soyons souvent subjet à des pareilles choses si dès le commencement l'on ne les peut arrester. Nous sommes ici depuis vendredi passé, et à la fin de la semaine prochaine je croys que le Roy sera de retour à Loo, j'espère que ma chaise et mes portraits seront prêts pour estre envoyez en Hollande avec le bagage de Mons. d'Odyck, je vous prie d'asseurer my Lord et my Lady Jersey de mes très humbles services." (IV. 102.)

Matthew Prior to James Vernon.

1698, Oct. 8. [N.S.] Paris.—"The Mareschal de Villeroy spoke himself to the King that the houses might be open and the waterworks might play for my Lady Jersey: yet, after all, the deputy-officers were only attending, and not a drop of wine or coffee offered to us in the whole two days. So fast these people lose the merit of their civility to my Lord Portland, and so evidently it appears that their kindness to us was constrained, momentary, dissembled and unnatural.

"My Lord expects orders every day from our Court to go to Fontainebleau. I can't imagine what they will do with King James if we go; but let them look to that.

"I sent you last post a poor devil's petition: I think you may e'en have the whole Court of them, Lord Middleton and all, if you think it worth your while." *Copy.* (XI. 232.)

JAMES VERNON to MATTHEW PRIOR.

1698, Sept. 29[–Oct. 9]. Whitehall.—"I told you of Lewis carrying over horses. I hear most of them are said to be presents to the Comte de Roussy [Rouci La Rochefoucauld]: you will soon know whether he be the ultimate end.

"I am afraid Brocard is but an idle fellow, and bragged of more than ever he intended to perform." (IV. 98.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Oct. 10. [N.S.] Paris.—"I have the honour of your letter of the 25th, and having communicated it to Mons. Blisson, am informed by him, as Your Excellency will see by his letter which I send enclosed, that the affair between the King and the Vice-Legate of Avignon has changed since the writing of your letter, and that no further step can be made in it till we shall receive His Majesty's orders upon what Mons. Blisson has written to Your Lordship of the 26th and 29th, upon which answers I shall obey your commands.

"Mons. Heemskirk and Mons. Vrybergen are at Fontainebleau; I suppose my Lord Jersey will go thither, and I shall follow His Excellency thither the next week (this being Friday), so that, as I presume your orders will come whilst I am there, we shall have opportunities of discoursing as well the Ministers as the Nonce at that place. 1478 [King James] and 1479 [Queen Mary] are doing some business: 1438 will send 984 one 45,9,63, 50, 55, 95, 72, 68 [Hamilton] and 984 is to protect his voyage, and thus Lady Bell is to write to Lady Essex. 984 shall hear more of it as it comes to anything.* Little people are always going and coming. Of all this I have informed Mr. Secretary, and send a man into England, who will not be useless, having known everybody here for seven years past.

"Mons. d'Odyck will set out from hence on Wednesday next; I do everything in my power to hasten the calesh and the pictures, but the Devil is in the workmen of Paris, they eternally promise and eternally deceive.

"The civilities of these people appear to have been forced; for all the mighty work they made when Your Excellency saw the King's houses, there was only a controller or two to show them to my Lord Jersey and his Lady, and as little *empressement* and civility as can be imagined." *Copy.* (XI. 233–5.)

MATTHEW PRIOR to JAMES VERNON.

1698, Oct. 15. [N.S.] Paris.—"Brocard has again been with me: he tells me 859, 480, 9, 1339, 1035, 209, 127, 1123d, 447, 832, 494, 429, 540, 209, 1454 489, 865, 465, 637, 1339. He knows not 525, but hopes he shall in some time. I know

* *Cf.* pp. 281, 284, 297, 307, 325, *infra*. The decipher, so far as positively ascertained, is:—a, 9, b, 15, d, 27, e, 32, g, 42, h, 45, i or j, 50, l, 55, 58, m, 63, n, 68, o, 72, r, 84, 85, s, 89, t, 95, u or v, 102, y, 114. Some of the numbers are not resoluble into the cipher, nor otherwise interpretable.

not what to make of him. I have furnished him with the money he required of me, and will not send a letter he has written to you till I hear more perfectly what this thing can mean, and in that case you may expect a messenger; one cannot be too alert upon these occasions, but I know not what to make of friend Brocard: he is a riddle.

"As to the volunteer, I think we had best send him, for he can be of no use here, and possibly may do some service on your side. The man seems to have a great inclination to be honest: his parts indeed do not go very far. You may send him away again or do what you will with him, he thinks that only being hanged in England (which is the worst he can fear) is equivalent to being starved here; *quicquid praeter spem evenerit, omne id deputabit esse in lucro.*

"The Higgens, and some other of that gang are here: I think their bringing horses from England is only to sell them advantageously here, and most of the St. Germains people turn the penny this way.

"We have no orders yet from His Majesty about our going to Fontainebleau. I wish my brother Jimmy joy of his new honour.

"I hope, my warrant for the 500*l.* is returned. I know nothing can make my stay here agreeable but my Lord Jersey's being here. Give us whatever you can, we shall both come home beggars: for never were people so undone and so expensive as these of this Court." *Copy.* (XI. 239–41.)

Matthew Prior to Charles Boyle, Christopher Codrington and Spencer Compton.

1698, Oct. 15. [N.S.] Paris.—"I am glad, my good friends Boyle and Coddrington, that you stand so near each other that a man may take aim at you at once. I wish Compton had subscribed too, that one letter might have served you all three; for though I bustle about and pass for a man of business, I am as idle as the best of you. I must write to my correspondents, but for my friends I only trouble them when I have occasion for their help; these are my principles; you may act with me accordingly. I thank you, my dear Mr. Boyle (if you are so, but they say your brother is dead and you are an earl), for your hospitality to my ladies; some, you know, have received angels in the shape of strangers, but mine, I think, are flesh and blood, at least they pass for such at Paris; they are of that number that my Lord Hastings calls succulent ladies. What they came to do in England, God knows, if to plot, or upon some more innocent design. My Lord Portland, however, is obliged to you for your care and kindness in observing and visiting them, and so is his secretary." *Copy.*

"Colonel Coddrington, your father, is dead, and if you have not philosophy enough to sustain the loss, burn your Malebranche and wet your pocket handkerchief; but if you

are a true heir, come again to the Marais, where I have a little house and will receive you as I love you. Your Toriano is a little under the dominion of the moon; he will go to Montpellier because four doctors send him; he says, he intends to be cured of a consumption here, because he recovered of it last summer in England: the man, indeed, is whimsical, it is pity; he is gone forward, God speed him. I laughed at him as little as I could, which was all, I think, you could in reason expect from me." *Copy.*

"And thou, though last, not least in my affections, Spencer Compton, where dost thou live, or what dost thou do? Pray bid Robin resolve me this question. Hopkins is here and going to Italy. We remember you when we think of our friends in England. Adieu.

Postscript.—"My service to the Fish against he prints a new miscellany. I will, as I have promised him, look up some bad verses to hinder the sale of the book. Do they translate Lucan? or how do the Muses go forward?" (XI. 242–3.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Oct. 17. [N.S.] Paris.—"I have heard nothing more of what I wrote last to Your Excellency; if there be anything in it, the man will probably apply himself to me before he comes to Your Excellency, or if he comes to Your Excellency, the hint I have given by the character will be sufficient. I wrote no plainer, because I take it for granted that all my letters are broke open; it is for this reason that I do not send you word of two or three other things of this kind of which I write to Mr. Secretary.

"King James and his Queen were never better received or more courted than they are at present at Fontainebleau; everybody goes to her toilette, and as soon as she is dressed, the King of France waits on her from her own apartment to Mass: at table the two old gentlemen and she in the middle sit at the top, and in the evening the Court is made to her as if she were Queen Regent. This one may write without character, for if anybody should break it open, they would find only that the conduct of this Court is extremely ridiculous; I have told some here that it is very far from giving us any jealousy, but they might give us leave to laugh at it.

"We expect His Majesty's orders to my Lord Jersey to-morrow concerning his going to Fontainebleau, which will, I think, a little embarrass these people.

"Salieaux promises me most faithfully that the calesh shall be ready and packed up by to-morrow night; so that I shall send it with Mons. d'Odyck's things on Sunday morning; but the pictures that stuttering rogue Rygault will not, or (as he says) cannot finish so soon; and indeed I know not when he will, for he has a vast deal of work upon his hands." *Copy.* (XI. 245–6.)

Matthew Prior to James Vernon

1698, Oct. 18. [N.S.] Paris.—"We have no orders yet from Zell, or wherever else our Court may be, for our going to Fontainebleau, but reckoning from the date of the letters we wrote for that purpose, we expect an answer to-day or to-morrow.

"Our friends of St. Germains shine extremely at Fontainebleau: all the court is made to Queen Mary; everybody is at her toilette in the morning, from whence the King of France leads her to chapel: the two Kings and the Queen in the midst sit at the head of the table at dinner with equal marks of distinction and sovereignty, and '*à boire pour le Roi d'Angleterre!*' *ou* '*pour la Reine*' is spoke as loud and with the same ceremony as '*pour le Roi*' when they mean their own King. It is really not a right figure which we make, being here at Paris whilst all the other ministers are at Court; and on the other side, I know not what we should do there, or how behave ourselves in a place where the two Courts are inseparable.

"Monsieur and Madame returned on Thursday to Fontainebleau, and the Duchess of Lorraine began her journey to Bar the same day.

"Mons. d'Odyck sets out to-day or to-morrow with his family towards Holland.

"The King of Spain's health is so well confirmed that we begin not to inquire so much about it.

"I have sent Brocard to Fontainebleau, and have heard nothing from him since his going." *Copy.* (XI. 247–8.)

Matthew Prior to the Earl of Pembroke.

1698, Oct. 20. [N.S.] Paris.—"The King of Spain's health, about which we have been chiefly solicitous, is so well established as that he walks abroad, and is as likely to live now as he has been at any time for some years past. For all the preparations this Court makes in case he should die, they will not, I think, be too hasty in precipitating themselves into a new war when it comes to the push. Their King is old, and though he seems healthful enough in his eating and walking, he has vapours and distempers, which fly up to his head and will not suffer him to apply himself much to business: this those about him keep as a very great secret, but I have undoubted reason to believe it true. His gardening, building walls, laying pipes, making reviews, going from Marly to Versailles, from thence to Fontainebleau, then to Chantilly and so back again, shows a more than ordinary desire of seeking variety, and confirms a good deal his being hindered from a strict application to any one thing. The people, too, at least the most thinking part of them, have had time enough since the Peace to reflect that their estates are ruined and their wealth drained for an imaginary notion of glory, which sunk a good deal in their Monarch's giving up

two and thirty towns to make a peace, so that the rumour of cavaliering is damped amongst them, and at least they would not begin a new war so heartily, though indeed, if the Court would have it, the rest are so little masters of their fortunes that they must obey, and give to the last *sou* in the nation.

"The King has a great sum of money in his coffers; he pays great use for it, and by doing so has brought matters to that pass that nobody can dispose of their money so advantageously any other way, as they can in bringing it in to him; especially considering that employments and preferments are disposed of to the sons and relations of such persons as the intendants and financiers give the best account of. This, my Lord, is a continuation of Louvois' maxim of making the King absolute and the people poor; but it has been followed long enough already, and I question if they can hold out another war, I mean against good part of Europe reunited, except upon different maxims.

"The reasons why they do not open a free commerce are, I think, that their ministers do not understand it, and that (however they may chicane) they cannot well do it before they lower their coin to its just value.

"Things go in relation to us as they used to do: they are civil to us and hate us, and they are civil to King James and despise him. . . . . .

"What is more to be apprehended from our acquaintance of St. Germains than anything the French Court can give them is their own innate illness and desire of mischief, for I may tell Your Lordship, they never will be quiet whilst there is a man to be had whose ambition, bigotry or despair will set him upon an assassination: it is this that puts me into eternal alarms, and indeed makes me acquainted with half the starving English and Irish about Paris, for it is impossible to be too alert in things of this nature, and it is only from them that I fear anything that King James or King Louis can do to us.

"For all the caresses this Court, in imitation of their Master, make to King James it is incredible what true respect and veneration they bear to King William (as they call him) and his merit, and how the soldiers particularly speak of him. '*Le premier homme de son métier*'! '*Le plus beau prince du monde!*' are the least things they say of him; and when they are free and in company where they dare venture to call things by their own names, they downright talk of their monarch much at the rate we did of King James a little before he left us.

"These are only some and really some of the best, but the generality of the nation are empty, superficial, ill people, just fit to be oppressed and misused as they are.

"My Lord Jersey will not make his entry or have his audience till the Court returns from Fontainebleau. He has written to Loo to know His Majesty's pleasure as to his going to

Fontainebleau ; which will be odd enough, I confess, whilst King James is there, and indeed it is likewise so that His Excellency stays away, since everybody may guess the reason of it. In his private audiences he has been received with all kindness and distinction by the Grand Monarch : how can any man of sense reconcile this man's way of acting in the meantime in relation to King James ?

Quo teneam toties mutantem Protea nodo ?

" We have married Mademoiselle de Chartres and sent her away to her Duke. She is a virtuous, well-educated Princess, not handsome, but very agreeable. I do not hear great praise of the Duke of Lorraine, her husband." *Copy.* (XI. 249–55.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Oct. 20. N.S. Paris.—" I formerly acquainted Your Excellency that I had communicated to Mons. Blisson the substance of your letter of the 25th September : I have done the like to Mons. Vriberghen, who is at Fontainebleau, as is likewise Mons. Heemskirk, and they, having by this time had your answers to their letters of fresher dates, are, I presume, in a condition to give Your Excellency an account of the *ecclésiastique* of Orange. I have not been at Fontainebleau, my Lord Jersey waiting (as I have told Your Excellency) His Majesty's orders thereupon : but I can tell you from those that have been there, that King James continues still the very same man we always took him to be. The other day at his levée talking of the King our Master :—' The Prince of Orange,' says he, ' is gone a great journey ; 'tis four days from Loo, but it is a great way from England : how can he be away so long ? ' and another time, speaking of his little daughter :—' I intend,' says he, ' to send her to Poissy ; there she shall learn Latin, that is, as much as to make her understand where the priest is when he says the Mass, for it is convenient that a Catholic child of her quality should be instructed very soon in her religion.' Thus wisely, my Lord, he talks. The Modena and Mantua envoys are constantly at his levée, and the French, though they have no respect for him, make court to him because their monarch does ; Your Excellency knows very well the genius of these people."

" I hope the calesch will come safe and to Your Excellency's satisfaction.

" The Abbé d'Effiat is dead." *Copy.* (XII. 1–3.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Oct. 24. [N.S.] Paris.—" I have the honour of Your Excellency's letter of the 7th, and Mons. Heemskirk sent me your packet of the 1–11 from Fontainebleau, where he continues with the Court. His Majesty's directions to my Lord Jersey for his going thither came but the day before King James left that Court ; His Excellency was therefore of opinion that his going then would look as if he had only

stayed till King James was returned from thence, and upon the whole I believe he will hardly go except he has some business great enough to justify his doing so."

"The Nonce and the Venetian Ambassadors have both had some little affair with the Court about being placed at the recital of an opera, but since neither of them are very able ministers or very well-bred men, it is no great matter if the Court or they were in the right; but it is with some concern that I tell Your Lordship that Mons. Heemskirk has behaved himself there unworthy his age or character in coming to the King's supper after he had drank, and exposing himself by twenty indecencies. This indeed is right nowhere, but less so here than in any part of the world. Your Lordship knows these people and the nicety of living with them, which, as far as I hear, this ambassador has been very far from regarding: but this I only say to you, my Lord and Master, and you will be pleased to manage it, for I have no more to say to it than that I wish everything that relates to the common union between Holland and England may be worthy of the great monarch that commands both." *Copy.* (XII. 16–17.)

H. May to J[ohn] Tucker.

1698, Oct. 15[–25]. Dublin.—"I think . . . . . that I told you in London what my Lord Galway said in relation to Mr. Prior's deputing me, and also that I sent you word from Chester of their having pitched on me to act during his absence, but I confess I did not then (as I should have done) desire you to intimate it to him, nor did I then insist upon it formally to him. Therefore, though my Lords told me then and since that they designed me the whole profits, I condemn myself and think that by my neglect I have forfeited the right I had, and have sent him word . . . . . that, for that reason, whatever part you say I shall remit to him for the time past, I will immediately do it."

"But for the time to come it is another thing, and I think I have an indisputable right: yet . . . . . I will own to you . . . . . I am afraid my Lords have not interest enough to preserve me that right, since they have not been able to maintain their own in the same case; and for that reason, if the future terms he shall propose be such as I can comply with, I believe I must waive the right they give me; and then I am sure I shall earn hard enough what part I am to retain, especially considering the retrenchments [which] have been made of our profits." *Copy.* (IV. 107.)

James Vernon to Matthew Prior.

1698, Oct. 17[–27]. Whitehall.—"I have yours of the 18th, N.S., to acknowledge. I hope Brocard will have acquitted himself well of the commission you gave him. I

know not why you should be out of humour at your not going to Fontainebleau; perhaps you might have been more mortified if you had gone thither. Has it not been sometimes practised to make sudden changes from high caresses to as great indifference.

"Sir James Forbes gives me the enclosed to send you, it being for the service of my Lord Orford and Lady Russell. Mons. d'Alonne and Dr. Lister had undertaken to get them some trees, but I suppose, the money not being left, the gardener stays for ready payment. If that be the case, you are desired to lay down what the trees come to, and I will repay it again; and let the trees be hastened away, provided they can be here by the middle of November; or otherwise the season for planting will be past, and they will not have the trees at all, and you will keep your money."

"Dr. Lister has lately printed his *Journey to Paris*, in which he tells us he had rather see Mons. Breman working in his garden in a white waistcoat than see Mons. Saintôt making room for an ambassador." (IV. 108.)

The Earl of Portland to Matthew Prior.

1698, Oct. 28. [N.S.] Loo.—"Je vous remercie de vostre exactitude à m'escrire; je puis vous asseurer que vous aymant et estimant comme je fais, tout ce qui me vient de vous m'est cher. Nous sommes revenus Jeudi passé de Cell; le voyage et le mouvement continuel m'a empêché de de vous escrire plus souvent. Je n'ay encore rien appris de la chose dont vous m'avez escrit en chyffre; le traittement extraordinairement civil que l'on fait à 1478 [King James] et à 1479 [Queen Mary] est une mauvaise marque. Je croy que devant que vous recevrez celle-ci, My Lord Jersey sera parti en poste pour venir ici, comme je le lui ay escrit de la part du Roy par deux fois, de peur qu'une lettre ne se perdît." (IV. 114).

James Vernon to Matthew Prior.

1698, Oct. 20[–30]. Whitehall.—"I will make some enquiry into La Fay's correspondence with Renaudot: I hardly believe at present that these impertinences come from him. It is certain there is some malicious or ignorant coxcomb that supplies them with nonsensical lies and stories. That about the East India Company's refusing to send chaplains for their factories was so far taken notice of at Council as to send for the translator and publisher of those pieces, who having otherwise the character of poor harmless fellows, they were dismissed upon their assurances that they would meddle no more with such an author. There was never a lie told that was so easy to be contradicted; the Company very readily consented that their sending of chaplains should be inserted in their charter, and of themselves they desired that the Archbishop would appoint the chaplains,

which he endeavoured with great modesty to decline, as thinking it belonged to the Bishop of London's province." (IV. 109.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Nov. 3. [N.S.] Paris —"I had little news in my last but that I was waiting on my Lord Jersey to Fontainebleau. We arrived there in the evening, and I went to Mons. de Torsi, to tell him of my Lord's arrival, and that he desired the favour to speak a word to the King that night. Mons. de Torsi said it was utterly impossible, the King being prepared for his devotions the next day, which was All Saints', but my Lord afterwards telling Mons. de Torsi the reason, His Excellency had a private audience in the King's cabinet about 10 at night, and the next morning we came away for Paris.

"My Lord set out post yesterday and will be with Your Excellency very near as soon as this letter; his voyage to Loo has a good deal alarmed these people, who are curious even to impertinence and desiring to know the reason of it.

"The Mareschal de Villeroy has a fever ever since he sustained the operation, which, to a man of his age, (*ne l'en déplaise*) may prove dangerous.

"Mons. d'Armagnac and Count Marsan are returned from Bar le Duc.

"I am glad the Monarch repeated to Lord Jersey his resolutions to keep the Peace the very night before he took the Sacrament, though, I confess, one can hardly reconcile this with his great kindness to King James. I have heard that our St. Germains friends are removing to Chambour [Chambord], but I know not as yet what credit is to be given to the report.

"I cannot forbear sending Your Lordship the most impertinent article in the Paris *Gazette* that ever was written; one would think that England was in famine and rebellion, by what l'Abbé Renedeaut [Renaudot] says of us: if my Lord Jersey were here I should venture to advise him to speak a word of this to the Ministers, but as he is not I will do nothing without order." *Copy.* (XII. 21–23.)

MATTHEW PRIOR to JAMES VERNON.

1698, Nov. 5. [N.S.] Paris.—"I have the honour of two from you of the 17th and 20th. I was not so dissatisfied at my own not being at Fontainebleau as at other people's being there; it may happen that these caresses may end in indifference, but as yet I see nothing towards it besides a flying report (how true God knows) that these people are removing to Chambour [Chambord].

"The article from London in the last Paris *Gazette* could not be written with more *venin* if it were in the middle of the war. Renedaut's [Renaudot's] correspondent in Holland is de Tournel, the Gazettier at The Hague; he is known to have

a pension from hence. I have seen original letters of his writing in which he desires the *commis* here in the office to send him word what they would have inserted in his *Gazette* and what omitted, and others in which he gives them here particular accounts of what passes in Holland, and this with all the subtilty and malice imaginable: of this the Dutch Ambassador and the Pensionnaire of Holland have been made acquainted; if they will remedy it, they may; *liberavi animam meam.*

"It would be worth knowing what correspondence de La Faye holds with Renedeaut, or where the abbé has his good intelligence of our affairs. I have sent Mr. James Forbes to Butterfield, and shall by next post answer you about the plants.

"I must needs see Dr. Lister's reflexions upon his voyage, pray do me the favour to let Mr. Payzant put it up. I should not have dared to trouble you but that you mention it.

"My Lord Jersey, having commanded me to break open your letters to him, lest the business might suffer by anything that should be done immediately here, I have done so, and own the receipt of yours to him of the 17th and 20th. We will do the best for Rachel Legg; there are a great many more in her case. It is a thing of *meum* and *tuum* between private persons, and if she has no lawyer to solicit her affair here, I fear our remonstrance will produce little more than *on verra* and a civil answer; if she has anybody here, I shall back their solicitations with a strong memorial, and show in this, as I would in everything, the great regard I have to your orders.

"I have not seen Brocard since; they are very quiet here about Jennings' affairs." *Copy.* (XII. 25–27.)

J[ohn] Tucker to Matthew Prior.

1698, Oct. 27[–Nov. 6]. London.—"The enclosed is a copy of a letter I received from Mr. May on Monday last, but being very ill of the gout, I could not by that night's post send it to you. . . . . His expectation has been all the profits, he tells you upon what reasons; and yours almost as much the contrary for not having sooner been acquainted with those reasons. You must consider I have a difficult game to play. Whatever is taken from him he thinks he loses, and is hard upon him; and it is almost the exact contrary with you; which might have been prevented had you both been so happy as to have seen each other and adjusted the *quantum* together at the beginning."

"I cannot answer that he will not think himself partially used if more than half be taken from him; and partiality is a censure I would not justly incur from anybody, much less two friends. Pray take not amiss what I say to you, but send me your own sentiments; you know as much as I do from Mr. May."

Postscript.—"You will see something in Mr. May's letter which seems to open a secret, but I beg you to make no ill use of it. You see, I trust my credit with you, and I hope you will preserve it by burning the copy when you have read it." (IV. 113.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Nov. 7. [N.S.] Paris.—"Bayly has been with me again. Sir William Jennings leaving St. Germains has surprised them there more than it can do Mr. Secretary and those of Whitehall: 1478 [King James] has spoke of it with astonishment. I have reason to think that others would follow Sir William's example if they thought there would be the least hopes of their being received or not proceeded against with vigour in England.

"I have heard no more of the correspondence which I mentioned to you in cypher; the messenger is not yet dispatched, and that affair sleeps; others are continually going to and coming from England, of which I give Mr. Secretary what accounts I can from time to time. I continue Bayly's pension to him.

"Herbert,* King James's Chancellor, died two nights since, and (which is ridiculous enough) people are putting in for that great employment.

"The Marquis de Villeroy is something better; his fever quits him and he sleeps, the inflammation that attended his operation being very much assuaged." *Copy.* (XII. 42.)

MATTHEW PRIOR to JAMES VERNON.

1698, Nov. 8. [N.S.] Paris.—"I am to meet with Brocard this evening; I have a strange foreboding of spirit that he will rather want more money than tell me anything that may deserve it: if you think there is truth in what he has already said, and that he is really diving into a mystery of iniquity, he must be well allowed; but if he be playing the fool with us, he has had too much already; you will be pleased to intimate your orders to me, which shall be obeyed, and possibly by to-night's conversation I shall nearer observe and judge of the man.

"I had another correspondent with me yesterday, and from him I hear that some people are lately gone from this side; one Adams, he was formerly an upholsterer and made a captain by King James for being a violent Roman Catholic; his wife makes *manteaux* and lives in St. Martin's Lane, where he may probably be heard of; one Berkely, he lives at Marybone; Shirly, who may be heard of in Norfolk Street, at his brother-in-law's. I know not the name of this brother, but he is an attorney and a Lancashire man; one Greenway, but where he inhabits or frequents I cannot learn. Holmes is likewise in England.

* *I.e.*, Sir Edward Herbert, to whom James gave the title of Earl of Portland.

"One Walcup, a man of some estate at Vittering, about four miles from Edinburgh, remits money to the few that have any at St. Germains. Herbert, King James' Chancellor, died two days since of an apoplexy at a little house he had near St. Germains; they pretend to be sorry for his death, though they despised and neglected him when alive, for he remained a Protestant, so none of his services were held meritorious, and his goods works went for nothing for want of faith. The living Protestants at St. Germains are all witnesses of this gratitude of their Court; others will follow Sir William Jennings' steps, and rather venture hanging in England than be certain of starving here. They seem mightily surprised at St. Germains that Jennings had quitted them; if King James knew anything of it, he is a better hypocrite than I take him to be. I shall take care of your plants and forward them as soon as I receive them, which I think will be within these two days." *Copy.* (XII. 43.)

MATTHEW PRIOR to the EARL OF BERKELEY.

1698, Nov. 8. [N.S.] Paris.—"Captain Cowper brought me some time since a letter which Your Lordship wrote in his behalf; he could not have a stronger recommendation to engage me in his business, which is likely to go well, for he has had a favourable sentence in the Admiralty, and an appeal which his adversaries have brought against that sentence will, I think, be invalidated by the Council.

"I cannot play the Minister enough to write you a letter of condolence, nor am I very sorry that my answer to a letter subscribed Dursely must be directed to the Earl of Berkely. I would not, however, have such revolutions too frequent, and though I wish very well to the present Lord Dursely, I would have him keep that title yet this fifty years, except Your Lordship should have a higher, and giving him the wearing of this of Berkely in your own lifetime. I hope the Earl has spoiled the Ambassador, and that you do not think of going to Constantinople, but of enjoying yourself and your friends in England, for I would not have you drink coffee but between Vicar's and Garraway's, except your own affairs are mightily bettered by your so doing. I must always give my most obedient respects to my admirable Lady, that excellent pattern to women whom nobody in this age follows, and to Lady Mary, who, I hope, has read Epictetus enough not to be puffed up with worldly honour; to Lady Betty and Lady Penn I say nothing, for I suppose these two are so proud as not to accept of service that anything below a knight can send them, for which reason I would have them know that one day or other I will desire the King to lay his sword upon my shoulders." *Copy.* (XII. 45.)

MATTHEW PRIOR to [DR. WILLIAM] AGLIONBY.

1698, Nov. 8. [N.S.] Paris.—"I have the favour of your letter of the 20th past, and should have told you so last

post, but that I had not Mons. Pajot's answer about your plants ; but since you have it before now, it is the same thing, you are to take your measures upon it, and as far as your commands reach me, you are sure they shall be obeyed.

"I blunder more than my secretary (as you call him) did, for I cannot find his blunder out, though I have read over the copy of my letters to the Commissioners : if it was essential, pray point it out to us ; if it was no great matter, excuse a young clerk if he does not mend his fault before he knows it.

"My Lord Jersey's voyage to Loo has set these people mightily upon the enquiry ; they will not let a man make a step but it must be upon some *politique* account ; one cannot go to the opera but they imagine that it is rather to mind who are in the boxes than what is done upon the theatre ; and if you visit a lady, it is certainly to meet some spy or minister there. *Si populus vult decipi, decipiatur :* they will make me a cunning fellow like the *médecin malgré luy* in the comedy, whatever I can say to the contrary.

"You are mistaken in Sir Joseph [Williamson], if you think he has another fetch in the matter before he leaves his 100*l* per week : he says it is too late in the year, and he cannot venture to take a voyage till the Spring. *Agnosces hominem.*

"I am glad old Mathusalem is sleeping with his fathers, and that our Dauphin Dursely reigns in his stead. I never found two letters so hard to write as one of condolence to him for the death of his father, and one to Mr. Mountague* upon the death of his wife. Who goes to Constantinople, if the Earl (as you say) has spoiled the Ambassador ?† And what the Devil could Dr. Lister of the Old Palace write concerning the city of Paris except that Notre Dame Church stands in the Isle, and King Henry's statue upon Pont-neuf ? Adieu, I would give 10 *louis d'ors* to talk with you as many hours ; and that is fairly bid, considering I might have the company of the finest woman here as long for half the money." *Copy.* (XII. 47.)

Matthew Prior to the Earl of Galway.

1698, Nov. 13. [N.S.] Paris.—"La Cour ne revint de Fontainebleau qu'hier : on n'y a guère parlé que de chevaux et de la chasse, ni rien fait de sérieux, si non de faire l'examen de quelques particularités touchant les finances. On n'a pas pu raccommoder l'affaire du tariffe avec les Hollandois, les commissaires François n'y ayant pas apporté la moindre facilité ; aussi n'en avoient ils eu le pouvoir jusques icy, ' mais en peu de jours,' dit on, ' Mons. de Pontchartrain leur en donnera un autre plus ample, et on recommencera tout de

* *I.e.*, Charles Montagu, afterwards Earl of Halifax. *Cf.*, Luttrell, *Brief Historical Relation*, iv. 407.

† *Cf.* ib. 464, 514.

bon' : en effet, Milord, les maximes des Ministres icy sur l'affaire du traffique et de la monoye sont tout à fait particulières et bizarres : ce que je ferois comprendre a votre Excellence si j'avois l'honneur de vous entretenir une heure dans votre cabinet au lieu de vous écrire une lettre qui pourroit estre interceptée et ouverte. Nous nous sommes bien dispensés de faire nos révérences à Fontainebleau, car pendant une partie du temps que la Cour y étoit le Roy Jacques s'y trouvoit aussi, et jamais n'a-t-il eu plus d'honneur ni de distinction que cette fois-cy ; et nous ne voulions pas aller après qu'il fut de retour, quoiqu'on nous donnât suffisamment à entendre que nous aurions été les très bien venus. Tout ce que Milord Jersey fit c'étoit d'y aller dire à Sa Majesté Très Chrétienne qu'il étoit sur le point de se rendre en poste à Loo, conformément aux ordres qu'il avoit reçu du Roy son Maître, et qu'il s'étoit cru obligé de venir prendre congé de Sa Majesté, et de se charger des ordres dont elle trouveroit bon de l'honorer. En effet, Milord ne restoit à Fontainebleau que le même soir qu'il y arriva, mais revint le lendemain matin à Paris, et prit la poste le jour suivant pour Loo.

" Milord partit d'icy le Dimanche, 2 de ce mois : je pourray avoir la nouvelle de son arrivée demain. Le voyage d'un Ambassadeur fait de la sorte avant son audience publique fait beaucoup raisonner aux politiques icy, et le moindre sujet qu'on en allègue, c'est ou que nous allons recommencer la guerre, ou que nous nous entendons déjà avec la France sur la succession d'Espagne, et que Milord a pris son voyage chargé des sentimens de Sa Majesté Très Chrétienne là dessus. Je les laisse raisonner sans leur dire si je sçay la véritable raison du voyage de Milord ou non. Je croy même qu'il y a quelque chose de grande conséquence sur le tapis, mais tout ce que je sçay de certain, c'est que le Roy avoit promis à Milord avant son départ d'Angleterre qu'il viendroit le joindre en Hollande, et que Sa Majestés' est dégagée de cette promesse de la manière du monde la plus obligeante ; mais aussi la manière seule où on en agit icy envers le Roy Jacques feroit justifier assez le voyage de Milord, car, pendant que cet infortuné Prince se trouve dans toutes les parties de plaisir que cette Cour fait, il est tout à fait nécessaire qu'un Ambassadeur d'Angleterre soit pleinement instruit de la volonté de son Maître, comment il se devroit comporter dans une conjuncture si délicate.

" Le Roy notre Maistre sera à la Haye le 15 ième : il n'y fera pas un long séjour avant que de s'embarquer pour l'Angleterre. Mons. d'Allonne est pourveu de la charge de Secrétaire pour les affaires d'Hollande : il l'avoit mérité même avant la mort de Van Zalichem. Je ne sçay par quelle raison on l'a gardé vacante depuis. L'Electeur de Bavière a chassé avec le Roy à Loo ; ainsi quand on me prône la Cour de Fontainebleau où tous les Princes du Sang se sont trouvés (et à la verité elle étoit fort splendide), je fais entendre que les Electeurs de

Bavière et de Hanovre, les Ducs de Zell et de Wolfenbüttel n'ont rien négligé pour faire leur cour au Roy d'Angleterre.

"A cette heure, Milord, il est bien tems que je vous demande pardon de vous avoir importuné de nos affaires pendant que vous êtes si occupé de celles du Royaume que vous gouvernez ; c'est avec beaucoup de joye que je voy que les esprits commencent à se calmer, et que les affaires prennent le train qu'il faut ; tout ira bien, Milord, on n'en doute point, *Teucro duce et auspice Teucro.* Je voudrois bien être en Irlande, Milord, si les affaires du Roy me le permettoient, et je ne travaillerois jamais de meilleur cœur que sous la protection et par les commandemens de Milord Gallway." *Copy.* (XII. 49–53.)

MATTHEW PRIOR to [ABEL ?] D'ALLONNE.

1698, Nov. 14. [N.S.] Paris.—"I ought to chide you, my dear Master d'Alonne, for not giving me notice in form of your new preferment, but I am so perfectly taken up with the joy of your obtaining it that I have no time to be angry. I hope hereafter you will have a better opinion of my judgment than you have had, and think that now at least I know if a man has extraordinary virtue and merit when the King in the face of all the world does me the justice to confirm my opinion. You may e'en turn away Dr. Lister, for His Majesty is the best physician in Christendom, and you will find that being fretted and teased in a good employment is a more sovereign remedy against the spleen than saffron in your sack or harts-horn drops in your coffee." *Copy.* (XII. 55.)

MATTHEW PRIOR to the MARQUIS OF WINCHESTER.

1698, Nov. 14. [N.S.] Paris.—"Since the Court has been at Fontainebleau very little business has been done of any kind ; the King of Spain is so likely to live that we begin to be less inquisitive about his health, and all is seemingly in so great a calm that we forget our apprehensions of its being otherwise.

"For all the outward civilities paid to my Lord Jersey, and the private audiences he has had, King James and his Queen were at Fontainebleau half the time of the Court's being there, and never received with more distinction. My Lord Jersey, you will judge, had a very just excuse not to go thither, whilst probably he might meet them, and indeed could not well avoid them without absenting himself from the King's dinner and supper ; and after they were returned to Paris, and from thence to Chaliot [Chaillot] and St. Germains, his Excellency thought fit not to go, though by twenty things underhand one might see that the Court desired it. They were a good deal surprised when my Lord came only overnight to take his leave of the King, and to desire to know what commands His Majesty had to the King our Master, for that my Lord was returning the next morning to Paris in order to his taking post for Loo according to the commands that the King our Master had intimated to him

by letter. My Lord was received very graciously and extremely charged with the King of France's compliments to His Majesty, and in effect parted the next day, which was Sunday, the 2nd of this instant, post for Loo. I expect to hear to-morrow of his safe arrival there.

" Your Excellency will easily imagine the various discourses this sudden voyage of my Lord Jersey causes here. The least the people will have is either that we are beginning the war again, or that the business of Spain is adjusted between us and France, and that my Lord has this King's sentiments to declare at his arrival at Loo to the King of England ; both these opinions are in extremes ; according to my little judgment, it is not to be expected that we should be asleep in a time when we see France not disband any troops, and draw good part of those they have towards the confines of Spain ; and there is nothing mighty extraordinary for a man of my Lord Jersey's quality and character to be sent for by his Master to be particularly instructed how he should behave himself in his embassy ; especially since these people make our conduct here extremely hard to manage, and such instructions very necessary by their behaviour in everything to those of St. Germains.

" I would write plainer to Your Excellency upon this head, but that I fear my letter may be opened before you receive it, for these people make no scruple of anything in this kind.

" The sole affair upon which this Court is at present intent is the correcting of former edicts and publishing new ones for raising money for the King without great consideration of the subject. For this reason most of the financiers and projectors are in conference with Mons. de Pontchartrain ; their regulation of the tariff in order to open a trade with Holland is at a stand. I take the true cause of this stop to be not so much the difference between the tariff of '64 and that of '66, or the advantage the Dutch would make by France's consenting to the former, but that indeed France cannot open a trade upon any terms with its neighbours till her money is upon an equal foot with theirs. The Ministers, one may be assured, will equivocate as long as they can, and will be very unwilling to confess this reason till they have some prospect of curing the evil.

" For the rest, the French do not disband their troops as fast as we could wish, and they are taking care of the reparations of their fleets ; their renewing a good understanding with Sweden I take to be for that purpose. It was very much said that Mons. d'Allonne was to have stayed here, but he has the Dutch Secretaryship which has been vacant since Van Zulichem's death, which is a post as much more easy as it is more profitable. I know nothing so uncomfortable as to be at a Court where one is obliged to be eternally upon one's guard, and under the orders of a Treasury that leave the Ministry

so far in arrears. I hope to be rid of these things, and to pay my duty to Your Excellency where one has at least some ease and some ready money." *Copy.* (XII. 56–60.)

The Earl of Portland to Matthew Prior.

[1698], Nov. 4[–14]. Loo.—" My Lord Jersey est ici, je suis ravy de ce que Mons. le Maréchal de Villeroy est hors de danger. Je ne comprens pas bien quelle est la Commission pour les affaires régulières et séculières, où B[rocard] me dit de pouvoir entrer, ni quel service il pourroit nous i rendre qui valait l'argent qu'il demande, et que l'on ne peut donner sans hasard de nous voir abusé ; je vous prie de m'en vouloir informer, afin que l'on se puisse résoudre. L'hyver commence ici plustost que jamais, de mesme qu'il a fini plus tard en France." (IV. 117.)

John Woolhouse to Matthew Prior.

1698, Nov. 16. [N.S.] St. Germains.—" 'Tis not the Englishman's good nature, the Westminster genius, or the Cantabrigian air and literature, qualities common to you with others, that induce me heartily to rejoice for your temporal prosperity : your own merits, innate candour, generosity, charity, and other personal endowments, as they are the sole motives of my compliment of sincere congratulation, so I doubt not but they will give it a favourable reception without exacting more explicit terms than what two honest Christian friends and old acquaintance of contrary faiths and interests may without breach of common civility and amicable correspondence mutually require one from the other."

" I know not but that your station will not permit me free access till you are acquainted how I have lived since the Revolution ; wherefore it may not be from the purpose to give you the following account.

" Ever since the King my Master left England I have constantly attended him in quality of groom of his privy chamber, as well in Ireland as in France, excepting about three years' time which he granted me to study at Paris, Avignon, Montpellier, Pisa and Rome, and the late eight months I spent at Mons, Brussels, Maastricht, Aix la Chapelle, Liége, Cologne, etc., in the exercise of my profession of oculist, to which art I have more particularly applied myself as well in my private studies as in my public at those universities ever since the Revolution. . . . . I do above thirty manual operations peculiarly belonging to the organ of sight, and treat likewise all the curable diseases of the 158 incident to that part, that are to be remedied by internal medicines such as either Galenic or chymical physicians use to ordain. I have made it my business to cull and abstract this ophthalmiatric art from the body of medics and surgery, and made one separate science thereof without concerning myself with any other parts of the said professions as to the

practice. I have heard there was formerly some such proposition made to the Royal Society, which was universally applauded, but, I think, not executed; for our able men in England, however particular and confined their private studies may be, do abroad aim at all things; nor is there anyone in the whole kingdom pretends to what I profess and perform: so that (God be praised) I am singularly useful in my generation, and give sight to those that are blind of cataracts, *gutta serenas*, pearls and many other ocular maladies. I have recovered those that have been blind 25 years, and cured those that have been born blind, and old people of 80 years: in fine I should be too prolix if I descended to particulars; it may suffice that public fame acknowledges me what I profess in a strange country: though my talent is buried in this village, where I am confined by my station, being in constant waiting on His Majesty, who has no other Groom of the Privy Chamber but myself.

"This, with my desire of marrying in England, makes me very uneasy here and wish for a permission to live undisturbed in my native country, to whom I would gladly sacrifice the fruits of my travails, studies, discoveries and experiences. I have seen too much of the world to meddle or make with State affairs or strive against the stream; and if the Government would give me leave to return, I would never give them cause to repent it, and I would be obliged to treat all blind and sore-eyed curable poor people *gratis*."

Was not present with King James at La Hogue, Calais or the Boyne, and has never borne arms. Was disinherited by his father for turning Catholic, and is so impoverished by his course of studies and "purchasing ophthalmic secrets," that he is not "in a capacity of making any handsome gratification," but will bind himself to pay 500*l.* in eight or nine years' time by several payments to anyone who will procure his return. Requesting that the answer may be secret, since any knowledge of this negotiation at St. Germains would be prejudicial to him. (XX. 58.)

James Vernon to Matthew Prior.

1698, Nov. 7[–17]. Whitehall.—"I can't tell whether you know one Major La Rue, who was an officer in the Duke of Berwick's Troop of Guards; he is father to La Rue, who gave evidence about the intended assassination. He came over about a fortnight ago to see his son, and, as he says, to be a party in a suit that his son hath in Chancery. When I first heard it, I designed to take him into custody as being here contrary to the Act, but understanding that he was neither naturalized nor a denizen, I had recourse to the Lords Justices to let them know his circumstances, and by their directions I told him on Friday last that he must depart the kingdom immediately. He desired that he might stay only four days to put an answer into Chancery, and when

he saw I could alter nothing of the orders given, he applied to their Excellencies for so short a respite, which will be connived, but any stay beyond that will be at his peril.

"By the manner he talks to me he is like to make all the noise he can and cry out against the severity used towards the French, and would be glad it were retaliated upon some of His Majesty's subjects on that side, and we should not complain of it if they find any in the like case and treat him no worse. This man has lived about forty years, married two English women successively, and turned Protestant; he quitted us at the Revolution and hath served ever since again [*sic*]. His command was in a troop from whence all the cut-throats were detached to act the blackest of villanies. He hath renounced the Protestant religion, and when his son made his discovery, he urged it as his merit that what he did therein would forfeit his father's kindness to him; whenever, therefore, you hear this matter spoken of, you will be able to justify our proceedings as being much milder than would be used anywhere else.

"I have seen your Denis Kelly, and have no great opinion that he can be useful here, but expect he will be troublesome and impertinent enough, and if I had been aware of his temper, I should not have been fond of his coming hither. The danger he pretends to have run in France I take to be a pretence only, that he might pin himself upon us to very little purpose, not but that I believe he will swear more perhaps than others will credit, but now he is here I must deal with him as well as I can. I hear he was a lieutenant in some of the Irish regiments till he was broke, and that he was over in England about Christmas last and went away upon the Act, being refused a licence, which perhaps is a circumstance you did not know before.

"I shall make inquiry after the persons you mention in your letter of the 8th, but one of them, viz., Berkeley, the Marybone man, has been in custody these two months.

"Nobody needs to be suspected of deep dissimmulation on account of Sir William Jennings coming over; I think I know whence it arises, and he hath neither served himself nor anybody else in what he hath [done ?]. However, it is to the honour of His Majesty's clemency that he doth not suffer the rigour of the law to be exerted against him, though he has very justly deserved the severest punishment.

"Your friend Dr. Lister has lately got him a wife; the pursuit of it kept him from going with Mons. d'Alonne into Holland." (IV. 119.)

R[ICHARD] POWYS to MATTHEW PRIOR.

1698, Nov. 7[–17]. Whitehall.—"The discourse of Mr. Montague is various; most say he will leave the Treasury when the King returns, others that the King will not part with him from that Board, and a third sort of people think

he will stay to see how the Auditor's office is decided by law; but my own thoughts are that he will press to lay down the Treasury if the King will give him leave.

"My Lord Berkeley delivered last week his letter to the Turkey Company from the King to go their ambassador, and intends to be going in the spring, unless any better fish would come to net in the meantime."

"Mrs. A—— was with me this morning making sad complaint for the absence of her two best friends, yourself and Mr. Stepney. She is full of troubles, says trade is bad; I told her that must be her fault, that she ought to get better goods, and the like, for that her trade would be always going on in all reigns and under all religions. As for my own part I found out better goods than ever she sold me." (VIII. 353.)

MATTHEW PRIOR to JAMES VERNON.

1698, Nov. 19. [N.S.] Paris.—"I was yesterday at Versailles, where the only question was, when my Lord Jersey is expected back at Paris. By the letters I received from him on Monday, I believe he will hardly leave Holland till His Majesty embarks for England.

"I have a very good piece of news, which is yet kept as a great secret here. Orders are given for the disbanding 50 battalions and 5 regiments of dragoons, and five men are to be reformed through every company as well horse as foot; this reform to amount to the suppression of 60,000 now immediately, and of 100,000 by New Year's day, and to 200,000 before the next summer.

"Upon this reform of the French troops and my Lord's being sent for in the manner he was to Loo, I believe measures are pretty well settled towards the maintaining the Peace in case the crazy King of Spain should die. I have more than barely my opinion in this point, but as it is a secret into which I am let, I beg of you to let it rest in your own bosom till you hear of it otherwise." *Copy.* (XII. 68-69.)

MATTHEW PRIOR to DR. [MARTIN] LISTER.

1698, Nov. 19. [N.S.] Paris.—"I have a scrip of paper from you more like a receipt* than a letter; however, I thank you very kindly for it, and assure you that what you write to tell me you are well is equally acceptable to me as whatever you have written to make me so.

"I have told Mr. Secretary Vernon by last post how I have discharged myself of my Lord Orford's commission. Your trees are sent to Calais, consigned to Mackay at Dover, from whom you will hear when and how they are coming to London. I have sent Mr. Secretary an account of what I expended, which may be repaid to Mr. Powys of the Treasury. You will see by it that we ordinary men can buy

* *I.e.*, a prescription.

our wood much cheaper; it is only you *vertuosi* that are so expensive; learning and poverty are as inseparable as light and heat, or (as Ben Jonson says) as a clove and an orange.

"This I know at present by sad experience, for I had only an inclination to be wise the other day, and I sent for your *Voyage to Paris* which stood me in 19 *livres* by the post. I will say nothing to you about it, though he that prints, you know, is in defiance and warfare with all the world, and is to be shot and wounded by every man that can spell: according to what the book cost me, too, I have, you see, as much right to criticize as anybody. My opinion in general is, that if every man writ fairly and intelligibly in the place where he was, the world would be much undeceived in the commonest notions it has retained of countries nearest to us; but we write and read of elephants, and crocodiles, of China and Egypt, and know nothing of the sheep and horses of France and Spain; we amuse ourselves of what is wonderful, and think it below us to take notice of anything that is useful.

"I have told Mons. Saintôt how much Mons. Breemen had the preference to him in your good graces; he is very angry with you, and so am I; we are both resolved that, since you will not be friends with our trade, we will have as little recourse as possibly we can to yours.

"I thank you for the favour you will do me in introducing my Lord Reay into the Royal Society; he will really deserve that honour. I am recommending others before I know if I am fairly incorporated myself, for I came too late at one meeting to be sworn, and was hurried so out of England that I had not time to appear at the next to thank them for the honour they intended of admitting me. Pray send me word how that matter stands, if I am formally a member or not, and if any fees are to be paid for my being so, you will be pleased to lay it out, and I will desire Mr. Powys to repay you; this, I confess, is a very odd commission that a man should lay out fees, that has all his life-time been used to take them, but I thank God I had strength of mind enough to break that custom with you here in France, though the obligation of your kindness to me will be remembered when I am sure the *louis d'ors* I ought to have given you would have been spent in plants or prints or cockle-shells." *Copy.* (XII. 70.)

Matthew Prior to John Woolhouse.

1698, Nov. 19. [N.S.] Paris.—"Without having any of the virtues with which you compliment me, I should be very glad to assist an old acquaintance and an ingenious man in everything that lies in my power; but I am afraid it will be utterly impossible for me to do anything in order to your return into England considering your present religion and circumstances. I presume you will know how

your case stands in relation to the Acts of Parliament which are at present in force against what you design. All that I can do is to state your cause fairly to the Secretary of State, and upon his answer to see if a pardon can be obtained for you: but my private opinion is that the thing cannot be brought about without your promising further to the Government than only not to disturb it; but I will make no overture of this kind to the Secretary, nor say one word of it to anybody till I hear from or speak with you. If you will come to my house, which the person you sent to me can show you, on Friday or Saturday morning any time before one o'clock, I will speak to you fully and give you the best counsel I can. I will be alone and manage our interview so as to do no injury to you, as I hope it will do none to myself." *Copy.* (XII. 73–4.)

MATTHEW PRIOR to JAMES VERNON.

1698, Nov. 16[–26]. Paris.—"I have heard no further from Brocard. I have seen him since at the coffee-house and amongst other people, which makes me think that he has no great miracles to unriddle; and in the last discourse I had with him I let him know very fairly that we would enter no further into a plot with him than we could understand it. However, I shall give him the 20 *louis* as you order, and support him as he may deserve.

"I talk in private sometimes with people that go to St. Germains. The Protestants are so ill-used there that I believe you may have every man of them. Parker has been absent for some months; he has been at Nantes and round about the world, and in the mean time has found some stop in the payment of his pension, and upon it has threatened that, if he is not paid he will bawl: you know the man; *no purchase, no pay* is his motto, and his interest is his principle. Some blind hints have been made to me about him at a distance, as that, if he were sure to be used like a gentleman amongst us, we might have him. I have answered thus far that, if he would let me see by an ample discovery in writing (which I know he has by him) that he is in earnest, I would send his papers by a safe hand to you, and endeavour to procure him a favourable answer; but that I could assure him of nothing, for that in the main we knew they were as wicked as he could possibly discover them to be."

"I was yesterday at Versailles, but heard nothing from Mons. de Torsy of Major Rue. When I do, I am provided of an answer from your letter.

"What is the matter with my Dr. Lister that he voyages, plants, marries, prints, and kills like Dryden's *Almanzor*, a perfect hero?" *Copy.* (XII. 74–6.)

JAMES VERNON to MATTHEW PRIOR.

1698, Nov. 17[–27]. Whitehall.—"I received this day your letter of the 19th, N.S., and can give a very near guess

at the secret that hath been communicated to you; you may depend upon it that it shall not go further for me.

"I believe the reform of the troops will go on, but there is still another reform wanting to confirm us of the sincerity of what is professed: you will find out my meaning when you remember what you writ formerly about Chambord.

"I hear talk of an order that no English shall stay at Calais above eight days, and they say it is made in favour of the owlers who are afraid of being discovered by some of our people. Pray enquire what is the meaning of this order, whether it comes from the Court, or be a humour of the governing persons on the frontiers. You will likewise inform yourself whether any persons are excepted, having leave to stay there and for what reasons." (IV. 121.)

JOHN ELLIS to MATTHEW PRIOR.

1698, Nov. 17[–27]. Whitehall.—"I have been this afternoon discoursing with Mr. Tucker, who is just got out of a fit of the gout, about your affair with Mr. May, in whom I must confess I was deceived, as well as Mr. Tucker was, who is much concerned at the thing, for I did not think him capable of attempting so unreasonable and unfair a matter; and we have concluded that Mr. Tucker shall propose to him a third part, which we think is a fair allowance, and believe you will not be dissatisfied with it. How he receives the proposal you shall hear from Mr. Tucker.

"Just before I came to him he had received an advertisement from a friend that the Earl of Jersey would come over with the King, and that the Duke of Shrewsbury, who is to be in town to-night or to-morrow, would resign the seals to His Excellency; and so instead of being an Ambassador he would be Secretary of State. If this should be so, he desires you would, if you think fit, recommend him to be in his office.

"I take the liberty to desire your protection and favour to one St. Paul, who will shortly make application to you. His father was gentleman of the horse to the late Earl of Ossory, and afterwards went to Paris, where he died of an apoplexy and left 700*l.* there, which should have come to his son, but he has yet had nothing of it, only now is in hopes, as he tells me, to recover it, and is for that purpose going to Paris, where he has no acquaintance and little ability to make any, so that it will be an act of charity to permit him to have access to you upon occasion, and to give him your countenance in his affair." (IV. 122.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Nov. 29. [N.S.] Paris.—"As to what I have from private correspondents, the bigotry and folly of those at St. Germains is unexpressible. The Protestants amongst them are worse used than ever for all outward appearances.

1478 [King James] has less credit with 1255 [Louis XIV.] than ever. 1479 [Queen Mary] recommended an officer for a vacancy the other day without success, and 1255 told 1487 [*sic*] that he must retrench the pensions, upon which 1479 was in tears a day or two. 50, 50, 68, 68, 50, 68, 42, 89 [Jinnings, *i.e.*, Sir William Jennings] coming over is a good deal the reason of 1255 having a bad opinion of these people. I know not if he be worth our having in England, but his coming over has the effect I have told you.

"27, 9, 102, 50, 89 [Davis] is very fine, and appears openly at St. Germains; he denies the whole business, and threatens great things. I have had letters from an unknown hand, that, if I take away the reputation of a gentleman (which I think must be this honest man), I must die; but I believe I shall rather be robbed than attacked, if he conducts the enterprise. There was some villany at the bottom of that business, which I will find out, if possible.

"One may write without cipher that Burk has been closeted by King James for having spoken with Your Excellency and myself; upon the whole he goes no more to St. Germains; as much as I have seen or heard of him in all conversations he behaves himself like a man of honour, as he did in that first business which recommended him to Your Excellency's acquaintance; his circumstances are hard, though he be a Roman Catholic and an Irishman; if Your Excellency will procure him leave to come over into England only, which is indeed a pardon, he will tell you the rest. As far as I see, His Majesty will have few better or heartier subjects." *Copy.* (XII. 78–9.)

James Vernon to Matthew Prior.

1698, Nov. 21[–Dec. 1]. Whitehall.—"My Lord Duke of Shrewsbury has been here since Thursday last, waiting for His Majesty's arrival with an intention to resign his Seals. The common opinion is that my Lord Jersey is the most like to succeed him. I am sure I wish it very heartily and should be glad you could confirm it, and that you will let me know at the same time whether you have any thoughts of continuing with His Excellency, or whether you had rather stick to your employment in Ireland.

"Major La Rue is gone over to Calais, and hath writ to me from thence to let me know the concern he is in that he has been made an example, and wishes it may be of no ill consequence to others; I rather think he would be glad it should, but that you will take care in knowing his case and circumstances." (IV. 123.)

Matthew Prior to the Marquis de Bachamont de Bellavre.

1698, Dec. 4. [N.S.] Paris.—Requesting him to cancel the remainder of the three years' lease of his house to Lord

Jersey, who is obliged to move into a house in the Faubourg St. Germain in order to be nearer the rest of the foreign residents, more especially as it is impossible for the English to traverse the whole city in order to attend divine worship. His Lordship has spent above 4,000 *livres* on the house, and can at once find a new tenant if relieved of further responsibility for the lease. *French. Copy.* (XII. 81–4.)

DENIS KELLY to MATTHEW PRIOR.

1698, Nov. 24[–Dec. 4]. London.—Stating that in obedience to Prior's orders he gave information to Secretary Vernon which led to the arrest of Macalaster, *alias* Johnson, "who was during the late wars a captain of a privateer in Dunkirk, and carried 'twixt England and France all the spies and conspirators," and "brought over most of those persons that came lately from St. Germains"; but he escaped from the messenger and warned his friends to beware of Kelly. He gave further information against "Mr. Coleman, formerly Keeper of the Woodyard to King James in France, and about three years ago came over from France; and a man reputed to be worth 50,000*l.*, corresponded by letters or otherwise at the Court of St. Germains; as also against one Madam Chilton, who has been here a spy this several years," but no warrants were issued for their arrest. He also gave information against "Blind Macarty and another, who are taken up since their coming over;" he is able to furnish information against Irish landowners whose estates have escaped forfeiture under false pretences. As Secretary Vernon has ceased to encourage him, he desires Prior to recommend him to Lord Jersey as being Ambassador to France and one of the Lords Justices of Ireland. *Signed.* (XX. 60.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1698, Dec. 5. [N.S.] The Hague.—"It is not for want of a due sense of your favours that I have so long omitted to acknowledge all those I have lately received, and more particularly your last of the 21 past. But what returns have I to make while my Lord Jersey is with us, from whom and Mr. Swinfurt you cannot but be informed of everything? Whatever confidences the French may have secured to themselves, and whatever belief they would have you enter into of their disarming, they will be glad to have two strings to their bow, and will sooner make the new Parliament give credit (or pretend it) to their preparations for nothing but peace, to lessen our own security, than they will actually disband their sixty thousands, one hundred thousands and two hundred thousands, as your letter mentions.

"The King of Spain recovers. Friend Stepney does not hasten to Vienna, but entertains himself with the lesser affairs of Elbing and Poland. The peace with the Turks has yet a

good appearance, though not quite so promising as it was lately before the Grand Vizier left the Congress. The memorial recommended to you by Mons. Pomponne is sent to Whitehall to be examined there. 'Tis the same I received before from the Comte Tallard." (IV. 130.)

H. May to Matthew Prior.

1698, Nov. 26[–Dec. 6]. Dublin Castle.—"I have had a fit of sickness lately that confined me some time to my chamber and most part of that time to my bed or I had sooner acknowledged" your last letter. "I received one at the same time from Mr. Tucker, desiring I would make some proposal as to the part of the fees of your office which I might expect for the execution, he having, as he said, desired also your sense in that matter before he should make a decision, but he desired that in the meantime some part might be returned to you.

"I have therefore sent you enclosed an account [missing] of what has been received for these seventeen months that I have been here, and . . . . have by this post returned to Mr. Powys one-half of it, which, I believe, will be thought by both of you sufficient, when you consider that, though the business has been increased in these Lords Justices' government more than it had lately been, they have nevertheless thought fit to lessen our profits."

"We have had a pretty tedious session of the Parliament which still continues, and the business of the King has not been carried on without some difficulty. But I hope it is now pretty well over. Heads of a bill are prepared and agreed to by the House for raising 120,000*l.* of money demanded on land, and I believe next week a fund will be settled for the small remainder as well as for a sum that may be sufficient, with what was given last session, to complete the building of barracks for the army in this kingdom." (IV. 125.)

Matthew Prior to the Earl of Portland.

1698, Dec. 8. [N.S.] Paris.—"In a letter I did myself the honour to write to you last post, and which you will find in England, I made bold to beg the continuance of your protection, that, if His Majesty had not designed any person to go to Nancy to make his compliments to the young Duke and Duchess [of Lorraine], I would desire the honour of that commission if Your Excellency thinks it proper for me: the reasons I would allege for my ambition are that, 1st, I am, as it were, in the province and that the character I bear of the King's Secretary here does in a manner entitle me to it; 2dly, the favour I have had under your protection to be known to Monsieur's Court and to the young Duchess in person; and 3dly that I might see a little the constitution and

inclination of that Court, which might not be useless to His Majesty's interests in what relates to this, and what would put me in the fairest light imaginable here. As to His Majesty's giving me the commission of an Envoy for such a journey, I presume this will be no objection, since I will most willingly part with that title as soon as I return to my post here to resume the name and qualification of Secretary, for I hold it more honour to be His Majesty's Secretary in an embassy where my Lord Portland was Ambassador than to be Envoy in any Court in Christendom; and having been chosen to this honour by Your Excellency, I hope this expedition, which I beg Your Excellency to ask for me, will not be thought unreasonable." *Copy.* (XII. 92–4.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Dec. 10. [N.S.] Paris.—"Count Tallard arrived here on Saturday and went immediately to Versailles, where he would have the world think he is locked up several hours together with the King every day, which is so true [to] the French vanity that I see English air could not at all cure it.

"I carried my Lord Strange to Court yesterday, and everybody was very kind to him; the King spoke to him more than ordinary, and Monsieur prattled with him and with me about his family above half an hour. The young gentleman behaved himself very handsomely, and when they told him he was not out of countenance when he spoke to the King, 'No' said he, 'why should I? since I have had the honour to speak to my own King.' I was very glad he was so well received, because it may be an obligation to his father. Mons. le Grand, the Count d'Auvergne, Count Guiscard and all your friends were very kind to him." *Copy.* (XII. 94–5.)

H. MAY to J[OHN] TUCKER.

1698, Dec. 3[–13]. Dublin Castle.—"I told you I had sent Mr. Powys a bill for half the fees I had received in Mr. Prior's Office for seventeen months, which I was in hopes would have prevented you any further trouble in this affair. The whole profits in that time come but 1385*l.* 19*s.*, and if I (to whom the Lords Justices designed the whole) am to have but one-third, I think truly no clerk in the kingdom earns his money so hard, considering two sessions of Parliament in that time, and the breaking one army, and receiving a new one of double the number. And I protest to you, before God, I have not (though it was in my power) made one shilling over and above the fees of the Office. . . . . If you still continue of opinion different from mine, I will submit to yours, ... but I can never agree to act for a third afterwards, unless the Lords Justices, when I appeal to them, command me, which I hope they will not, now they themselves have so much retrenched our fees." *Copy.* (IV. 129.)

MATTHEW PRIOR to JAMES VERNON.

1698, Dec. 13. [N.S.] Paris.—Brocard has lately brought some scanty information, and has been advised "to return with more wine and to try by that and every way imaginable to unlock his friend's bosom."

"Kelly has writ me a strange long letter, that he and one Thomas Dane can discover things considerable in Ireland, and are for that end embarked for Dublin. He desires me to get him my Lord Jersey's protection, and to write in his favour to the Government there. I am apprehensive that the fellow would make a plot where he does not find one ready made. If he or his friend have anything material for His Majesty's service in that kingdom, they will bring their own recommendation with them.

"Bryerly, Holmes and Durant are here; one Bamesly and Ross, a Scotchman of the same gang as the three first, are gone for England; my Lord Hay's son to the Marquis or, I think, Earl of Harold; and my Lord Nedsdeal [Nithsdale] of the family of Maxfield, chief, I think, of that name, meet some of our St. Germains people half-way and in private. The young Lord Montross is bred to that way, and sees none of us.

"There is no order from Court for hindering the English to stay at Calais."

"I expect my Lord Jersey back on Monday. He is added to the Commission for the Affairs of Orange

"Geldermalsten . . . is to succeed Cleverkirk from the States to England, but (as I hear) in a less character.

"Your banishing Madam Richelieu makes a great noise here, and though nobody knows the reason of this lady's disgrace, all the world agrees you are in the right of it.

"These people chicane us about six barrels of beer that comes from England for my Lord Ambassador's table, and as well for these as for all liquor whatsoever they make us pay the *droits d'entrée à Paris*, though they give us the King's passport. I hope we shall do the like to the wines which Count Tallard imports into England, and not let him in a whole vintage free, for which we have only an empty compliment whilst we are thus used here. The *lex talionis* is the best law I know upon earth, and I am sure it is the most convenient for us whilst we have to do with these people." *Copy.* (XII. 103–5.)

[DR. WILLIAM AGLIONBY] to [MATTHEW PRIOR.]

1698, Dec. 5[–15]. London.—Lord Portland "arrived yesterday with the King, whose hand I had the honour to kiss this morning. I was in hopes to have seen my Lord Jersey with him, for we all make him Secretary of State, and the Whigs swore a fitter man cannot succeed Lord Shrewsbury."

"We are like to have a great intrigue about a Speaker, but I believe it will be Sir Thomas Littleton, for Sir Edward Seymour has been chid by his party for dining with Mr. Montague and him, and his answer was he would dine with them again next day.

"If, as I heartily wish, dear Lord Jersey comes into the Ministry, I doubt not but you will be his right hand man, and since we all must have an oar, no man would choose to row under a milder commander nor a better steersman.

"We desire to be informed whether we shall see Count Tallard's bigoted military face any more; he has not had here the 'agreements' of the Colberts and the Barillons, so perhaps may rather desire to see the countenance of the devout lady, his patroness.

"I am going to give my three shillings to a poor poet who has made us a fine entertainment of *Rinaldo and Armida;* 'tis Mr. Dennis, who from being a critic has been pleased to come under the lash of criticism. The Grand Jury presented him some days ago, and 'tis fit we should do so too to enable him to answer them." (IV. 131.)

J[OHN] ELLIS to MATTHEW PRIOR.

1698, Dec. 8[–18]. Whitehall.—"The excellent account you give of my Lord Strange will be a most agreeable *régale* to his mother, who, I expect, will come to town to-night. She intended to have been here yesterday, but the ways are so very bad that no one knows how far he can travel in a day. I wish that young Lord might stay at Paris all this winter, that he might have the advantage of a better acquaintance with you."

Mr. Hill "is still here, and I advise him not to return to Brussels till he can be secure he shall find bread for his household there, where scarcity now reigns. The Elector of Bavaria has an agent hither to pray His Majesty will suffer him to carry to Flanders a certain quantity of corn, how much I cannot yet tell.

"Sir Thomas Littleton, the person the Court proposed for Speaker on Tuesday, was chosen by a majority of 107 voices out of 377 that were there. To-morrow he is to be presented to the King for his approbation, and His Majesty will be Speaker to both Houses for a little time." (IV. 133.)

JAMES VERNON to MATTHEW PRIOR.

1698, Dec. 8[–18]. Whitehall.—"I find you hear of a lady that had orders to retire, but who can tell whether she has complied with them.

"I am glad Kelly has acquainted you with his design of going to Ireland; I conclude from thence he is gone. He can't do us a greater kindness than to leave us. The person he goes with I take to be Daniel Geary, who is at least as great a rascal as himself. They think it is but hanging a

man, right or wrong, that will entitle them to a fourth part of his estate as discoverers of concealed forfeitures. They would have a letter from me to the Lords Justices, which I gave them that I might not discourage real services, and I sent their character another way that I may have no hand in villany or perjury.

"If Mons. Tallard brings over fresh provisions of wine, we shall remember what difficulties were made about your beer." (IV. 134.)

MATTHEW PRIOR to JOHN TUCKER.

1698, Dec. 24. [N.S.] Paris.—I have a letter from Mr. Powys which tells me that he has received a bill for the money which Mr. May mentions:

Thus far our arms have with success been crowned.

I hope I have infinitely convinced you that our friendship was fixed too sure to be moved by Mr. May having more or less justice, and, as I said before he remitted this 600*l.*, so I repeat it again to you that I am satisfied you have acted in the whole affair like a man of strict honour and a common friend to us both, and as such you know I wholly referred the arbitrage and decision of the matter to you; your word to be like the law of the Medes and Persians which altereth not. I am a little concerned to see that Mr. May has not the same deference, for as on one hand I never made any demand of all, half, a third, or a quarter but by your mediation, so on the other Mr. May, I think, ought, when he sent me any money whatsoever, to refer himself to you as to the remainder in equal manner as I had done. This, I am sure, was accounted fair play at Ryswick, or Sweden would have taken it ill; and I do not doubt but that I shall make it so one day at Dublin. Now Mr. May, I perceive, takes us to be both of a party, and, being his own mediator, returns what he believes will be sufficient, which, though it had been so, is not a right way of proceeding; and, as we say in the Civil Law, the form of the act was not good, however the matter of it might be so." *Copy.* (XII. 106–7.)

THOMAS HOPKINS to MATTHEW PRIOR.

1698, Dec. 14[–24]. Whitehall.—"I had this morning your favour of the 20th, and thank you for the news it brought.

"The Duke of Shrewsbury's seals were delivered to the King on Monday night last by Mr. Secretary, so that now we are likely to have business and trouble enough, both provinces being under Mr. Vernon's care, until some other Secretary appears either from France or elsewhere."

"To-morrow there is like to be a very warm and angry debate in the House of Commons, they being to have the King's speech under consideration. The Army sticks in their stomachs, they thinking it too great to consist with their liberties, and the King too little to defend the nation

"I writ a letter last month to Ned Hopkins at Turin, and made so bold to put it into your packet. Instead of an answer I received it again this morning, which, I believe, must be a mistake in your clerk." (IV. 140.)

J[OHN] TUCKER to MATTHEW PRIOR.

1698, Dec. 15[–25]. London.—"I have received another letter from Mr. May, in answer to mine of the 19th past wherein I proposed to him one-third, as by my last I acquainted you. I cannot better tell you his mind than by sending you a copy of his letter [see Dec. 3-13, *supra*], wherein you will not only see that he thinks his pains have been extraordinary . . . . . and that, if I still persist in my opinion of a third, he will submit it; but you will also see that he seems determined not to act for the future for so little, which last sentence perhaps he did not intend should come to your knowledge, at least by my hand, and therefore I must desire you to take no notice to him of it when you write to him."

"The Duke of Shrewsbury has at length delivered up the seals of his office to the King, and His Majesty has been pleased to name my Lord Jersey to succeed him. If you made my compliments to His Excellency, you would do me a great favour." (IV. 142.)

MATTHEW PRIOR to the EARL OF DORSET.

1698, Dec. 26. [N.S.] Paris.—"Your Lordship as one of our Regents has seen what commonly occurred here from your secretary, Mr. Yard, and indeed to have sent it to you more particularly would have been only to desire you to read the *Postboys* a day or two before they appeared in print; so little is there really in all that mystery which amuses the world that I can hardly in six months find enough to furnish a letter to my Lord of Dorset, though I could have written with ease twice a week to Sir James Forbise.

"It is beyond contradiction that the King of Spain has made his will, and by it constituted the Electoral Prince of Bavaria his heir, and the Queen to be Regent in case His Majesty dies during the minority of the Prince; thus the lineal right is kept to the younger sister's grandson and heir; the renunciation that France made when the King married the eldest sister is confirmed to be valid; and the Dauphin or (as France was projecting) one of his younger sons, excluded, as well as the Archduke of Austria. The Queen had a great sway in this business, and the reasons that most probably inclined her to this choice were that she might exalt the Palatine family, of which Your Lordship knows the House of Bavaria and that of Neubourg, from whence she is, are equally branches, and that by this contrivance she might hold the Government longer (which is not the least of a woman's aim in such cases), the Electoral Prince not being

above 8 years old, and as well the Archduke as the Duke of Berry five or six years nearer manhood. The French in general seem to be nettled at this affair, but I think those of them that have best sense are not so really; for all their natural heat and impatience, and the pride they take in the greatness of their monarchy, they begin to see that these notions have impoverished and enslaved them; and the Treaty of Ryswyck has a good deal instructed them, and their own affairs at home convinced them that they have grasped at more than they could secure, and that neither their King nor they are the better for the expense of fortifying and keeping garrisons eight years together in thirty towns which they have been obliged to give back in the ninth. The Monarch himself is old, and, I think, has a good mind to be quiet; to say the truth out he is quite cowed by King William, and since the taking of Namur he has as fairly wheeled and run as ever any cock did in a pit: with this, the people are far enough from being in an estate of beginning a new war, for they still feel the weight of that which is past very sensibly lying upon them, which is so evident, that as yet they are not in a condition of redressing their money to its intrinsic value, and by consequence cannot open a commerce upon a good foot with their neighbours; so that I hope we may have peace in our time.

"This succession of Spain is mostly our King's contrivance and effecting. Some faults he has, or else he would not be a man; as to his character of a Prince, he has carried his reputation to a prodigious height, and this affair must be allowed to be a proof of it beyond denial.

"The Emperor is a good deal angry at us, but he can do us no harm, God knows. The Dutch Ambassador assures me that the truce between His Imperial Majesty and the Turk was concluded the 28th of November for twenty-five years; this will reconcile the Emperor to us again and is a new epoch in the King's honour and a great advantage to our reputation at Constantinople.

"Poor King James is hardly thought on or mentioned; an Italian and a Scotch priest govern him and his whole concerns; he is so directly the same man he ever was, persecuting the few Protestants that are about him, though they are ruined and banished for their adhering to him, and rewarding and encouraging any sorry creature that he can make a convert of. The child they call the Prince of Wales they breed up with all the abhorrence imaginable to heresy.

"I should wrong Your Lordship's goodness to me if I did not tell you the state of my own private affairs. I have played the minister here in my Lord Jersey's absence, and, now he is returned, we are preparing for his entry, so I am to appear with him as I did with my Lord Portland, in a new gaudy coat and with an expensive equipage. I must own to Your Lordship I am weary of this dancing on the high

rope in spangled breeches, and if my Lord Jersey be Secretary of State (as it is thought he may be in some time), I will endeavour to get home and seat myself in a desk in his office, for I had rather be Matt Prior near my dear Lord Dorset (Your Lordship must pardon me the familiarity of the expression) than *Monsieur l'Envoyé* in any Court in Christendom; and I know not how it is, life runs away before one is aware of it, and I shall hardly have time enough in that part of it which is to come, to testify the obligations I have to Your Lordship for so many years past." *Copy.* (XII. 111–5.)

MATTHEW PRIOR to LORD BUCKHURST.

1698, Dec. 27. [N.S.] Paris.—"I will own myself to be as bad a correspondent as you can imagine, if you will allow me to be as faithful a friend as any you have in the world; which I am so confident you do, that I desire little Horace enclosed may be the third in our amity. As you like him, I will endeavour to get you the other authors in the same bigness.

"I have no news to trouble you with from this country: here is no school half so big as Westminster, when the curtain is drawn; everybody learns in a Gazette [*sic*], without being whipped or fighting with one another, which is a very effeminate way, and I believe is the reason that one English boy can either construe or box with three French boys; but the King's grandchildren are very good scholars (as I can particularly assure you), and therefore you must take care to shew them hereafter that an English nobleman understands Latin as well as a French Prince.

"Pray my Lord assure Mons. Didiez that I have always taken care of his letters, though I have not had the good manners to tell him so. Indeed, to me writing of letters is just like making exercise to Your Lordship; one defers it as long as ever one can, and then one whips it over (as you call it) exceeding fast; yet I could prattle thus to my dear Lord Buckhurst to the very end of my paper, if the post were not just going, though in the meantime I neglected to write to half my graver but less sensible correspondents. Adieu, my dear Lord; go on in everything that is good and worthy of you, remembering always that you are the Earl of Dorset's son." *Copy.* (XII. 116–7.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698, Dec. 31. [N.S.] Paris.—"My Lord Jersey's entry is to be on Sunday and these people are playing their old tricks over again, of having Mons. de Torsy's coach go next to the Princes of the Blood, and before the Ambassadors; of having the Introductor's coach go to lead the march before the Mareschal's; but I think we shall stick to our point of having no innovation from what was practised at Your Excellency's entry. There never were such people as these

are, but Your Lordship knows them better than I can describe them.

"I leave my proposal of going to pay His Majesty's compliment at Nancy to Your Lordship's decision, and I shall think that best which you resolve." *Copy.* (XII. 117–8.)

JAMES VERNON to MATTHEW PRIOR.

1698[–9], Dec. 26[–Jan. 5]. Whitehall.—"I do not understand the meaning how my letters should come to you so irregularly, but I must needs write with great reserves both to my Lord Jersey and yourself while I am under this uncertainty whether the letters are read or not before you receive them. We must have some establishment for couriers, or our correspondence will be less significant. I wish you would draw up a scheme what the charge will amount to, that I may lay it before His Majesty, and get something resolved that we may depend on; and if it can be done in a cheaper way than by messengers, there would be less difficulty to obtain it."

"We have no confirmation yet of what you write of the twenty-five years' truce between the Emperor and the Turk. I hope it is intended, but I thought the Imperialists stopped concluding till the Venetians were forwarder in their treaty." (IV. 144.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1698[–9], Jan. 10. N.S. Paris.—"We have got past my Lord Jersey's entry which I leave to Mr. Yard to embellish the *Gazette.* As to the ceremonial, it was in every point like that of Your Excellency, though they endeavoured to chicane us extremely before we could agree it. The Monarch has renewed all the assurances imaginable of his being resolved to keep the Peace and hold good correspondence with His Majesty, and the nations shall live (as he says) in tranquillity and union. I wish to God that on the other side we at home would let him see that we did what we could for our own defence in case he should not be as good as his word, and would not give the people of St. Germains leave to rejoice (as they do very heartily) at the vote which keeps up only 7,000 men in England.

"I am not without hopes that by Bayley's means 15, 84, 50, 32, 84, 58, 114 [Brierly] may be gained. I endeavour it all I can, having written to Mr. Secretary, and having received his opinion in that affair: this I say is but a project, and one cannot answer for the success of it, but it may happen to be a good piece of service.

"Bayley and B[raconier] are both upon my hands; to the first I continue his pay, as I shall do until I have Your Excellency's orders how he is to be disposed of. B[raconier] has had nothing in a great while from the correspondent but

this enclosed list, and indeed there is very little *sur le tapis : tant mieux !* B[raconier] repeats to me that, as he always has been, so he shall always be ready for any service to the best of his power ; he says that Your Excellency at your leaving France promised that something should be done for him. Your Excellency best knows what the man has deserved, or how he is to be rewarded ; all that I shall add is that I think he is in great want, and I believe a piece of money would do him a service. I beg to know how I am to answer him. As to Bayly, I am of opinion he will be serviceable by being continued longer here, though I find he has a good mind to be in England ; but his pay being continued to him and a little money over and above added sometimes to it would put his voyage out of his head : in this I likewise beg Your Excellency's direction.

"My fine clothes and new *livrées* made for my Lord Jersey's entry lie upon my hands, but would come mightily in play if I were ordered to go to Nancy ; of this I take the boldness to remind Your Excellency, and to beg your favour in it, because I am informed from the office that there are others pretending to it. I desist with all submission if Your Excellency does not think it proper for me ; but in any man's case else I would say that a man who has had the honour to serve the King as his secretary seven years, and has been secretary to three embassies or commissions may hope to have the honour which I ask Your Excellency's protection for, of being envoy for three weeks." *Copy.* (XII. 119–20.)

James Vernon to Matthew Prior.

1698–9, Jan. 2[–12]. Whitehall.—"I congratulate your having borne up the honour of our nation in show : I wish we may do it in reality here, but that is a point as yet undecided. In my next you will understand it better.

"I don't much wonder at Brocard's silence, since he finds you are on your guard not to be imposed on.

"You will acquaint my Lord Jersey that I know not yet what we are to hope for from the Irish Parliament. They adjourned to the 27th of December, and we have no letters from them since that day, nor do we yet hear whether they have received the money Bills we sent back ; but we know the opposing party kept together and seemed to be in the same humour : they will rather be more animated by what we have done here, so that I wish we could see them well up." (V. 1.)

The Earl of Portland to Matthew Prior.

[1698–9,] Jan. 5[–15]. Kensington.—"Ne soyez pas fâché, Monsieur, de ce que je ne réponds pas aussi souvent que je devrois à vos lettres, lesquelles ne laissent pas de me faire un très grand plaisir, et dont je vous remercie de tout mon

cœur. Je vous aurois servi très volontiers dans la pensée que vous aviez d'aller à Nancy, mais le Roy avoit promis à Mr. Hill de l'y envoyer.

"Si l'on peut prévaloir sur l'Escolier à dire ce qu'il sçait, il est certain que cela pourroist estre de grand service.

"Envoyez moy, s'il vous plaist, le nom de baptesme de Coll. Burck, afin que sa permission de revenir en Angleterre puisse estre au plutost dépêchée.

"B[ay]ly doit continuer où il est, et Br[aconier] aussi, et il faut du moins continuer ce qu'on leur donne, comme aussi le correspondant de ce dernier. J'en ay parlé a Mr. Vernon qui en aura soin exactement; mandez moy ce que vous jugez a présent qui pourroit suffire à chaquun des trois. En temps de besoin le correspondant doit estre mieux payé qu'asteur [qu'à cette heure] qu'il ne rend point, ou très peu, de service.

"Je suis très aise que vostre cérémonial se soit si bien passé, celui là me faisoit plus de peur que les affaires, quoy que je n'y sois pas fort propre non plus.

"Mons. Mansart vous mettra en main pour moy les plans de quelques maisons du Roy, que je vous prie de m'envoyer par la première commodité; comme aussi les portraits s'il estoit possible de les tirer des mains de Rigaut."

[*At foot is written by Prior, with evident reference to Lord Portland's enquiry about Col. Burke :—*

"William Burk, of Barnadarigt* in the county of Galway†, left Ireland five years since, was taken prisoner at Agrin; had a regiment in King William's service."]
(V. 2.)

R[ichard] Powys to Matthew Prior.

1698[–9], Jan. 5[–15].—"If our news proves true you will be again very quickly left alone at Paris, the general discourse here being that my Lord Jersey will be made Secretary of State. If so, I shall despair of having you to taste the burgundy you were so kind to send me; I am to bottle it off to-morrow, and in a fortnight's time will drink your health heartily in it." (VIII. 369.)

Lord Barnard to Matthew Prior.

1698[–9], Jan. 6[–16]. London.—"I think myself obliged to return you thanks for the concern you have shown for my son, and your obliging letter by which you give me an account of him. I wish either his carriage to me, or his conduct abroad, would give me reason to believe he deserves the character you give him, but he has given me too great cause to fear otherwise. He has been now travelling abroad about five years, under a governor till June last, at which time by a very rude and unhandsome treatment he was forced to leave him. Whilst he was with him I allowed him a plentiful allowance, and punctually paid. When he left him

* Barnaderg near Tuam. † Aughrim.

at Geneva, he furnished him with credit and money sufficient to bring him into France and to maintain him with tolerable conduct for some time after." Since then he has been supplied so well that "it is a wonder to me that he can still be so much in debt, and yet want clothes, credit and everything else, as yours mentions. But since you have been so kind as to assist him with your credit, I must beg the favour of you to let me know how far you have engaged for him; . . . . . but must at the same time entreat you to give him no further credit or engage further for him."

"You may be assured I shall not be wanting to support my eldest son suitable to the condition of my family, whilst he does not by his conduct discredit it." (V. 3.)

JOHN TUCKER to H. MAY.

1698[–9], Jan. 7[–17]. London.—"I have received yours of 26 November and 3 December past, and am very glad that the misunderstanding which has been between Mr. Prior and you is so near an amicable conclusion. I am obliged to you both for the confidence you put in me, but I must own that I think it a very hard as well as nice task to undertake the composure of a difference of this nature between two friends, and must confess a sense of my own unfitness for it."

"I have with as much deliberation and impartiality as I could considered the matter and what you have said upon it; and since I must declare my opinion to you, I do truly, and with a regard to your service as well as friendship, tell you that I would advise you to be content with one-third of the profits of the office for your trouble in the execution of it. . . . . For the time to come agree with him upon the best terms you can." *Copy.* (V. 3.)

JAMES VERNON to MATTHEW PRIOR.

1698[–9], Jan. 9[–19]. Whitehall.—"As soon as I receive the messengers' bills I will solicit hard that some money may be sent them; and then do what you will with them. Brown had best acquit himself diligently and be so serviceable as to deserve being kept there; for by what I hear of his circumstances he can hardly live out of a gaol here, having contracted foolish debts. One of them, I hear, was on account, as he pretended, of the Westminster Election, which Mr. Montague and I have no reason to thank him for: but if he does his duty with you, I shall take no notice of his follies here." (V. 5.)

MATTHEW PRIOR to the EARL OF PORTLAND.

169[8-]9, Jan. 14[–24]. Paris.—"Br[aconier] is very diligent, but there is little at St. Germains worth knowing; the officers and everybody that had the least worth or merit

are neglected, and by consequence are discontented, and I am told would all get home if they were but sure of their lives. Amongst the rest my Lord Slaine declares to everybody that he will go and throw himself at the mercy of the Government; if he is hanged, he says there is an end of the story: indeed the poor people have reason to be discontented; but priests and women are only countenanced, and King James, as he grows older, grows so infinitely a bigot that it is hardly to be believed.

"There will be a ball at Versailles next week; my Lord Jersey will be at it, and I hear King James and his Queen are likewise to be there, which will be a very odd interview, and will contradict King James' maxim that the rebels dare not look him in the face, and that he never saw above one or two of Bentinck's crew (for that is the name we have the honour to go by); and at this ball we shall at least see who of the Court (that have made such work with us) will have honesty enough to stick by us. I am afraid my Governor* for all his compliments will be paying his court to Queen Mary, and I believe at the bottom he hates us very heartily, which is the reason I am so far from repenting that I have sent Your Lordship the lampoons upon him, that I intend to make one upon the same subject myself.

"Br[aconier] has no news; the correspondent has had nothing since summer except the paper I sent to Your Lordship, and in truth there is no news of moment: but these people must be gratified, if we expect any service from them."

Recommends payments to various agents, viz:—

"For Br[aconier] .. .. 100 *louis*
Correspondent .. .. .. 50 ,,
Ba[yley] for a year .. .. 120 ,,

of which I will give an account how expended; and for the other, who is properly Mr. Vernon's, I will settle it with him."

"I repeat to Your Lordship that these people do little good and are of little use at present, but they must be kept up for the good they may do, and nothing is lost that is employed to let us know what these people may be thinking of, who never will love us, and will be always contriving some ill against us.

"We gained our points as to the ceremonial most triumphantly, God be praised. I am no very good courtier, but indeed I would rather have been sacrificed than have given up one step in the stairs of the Hôtel des Ambassadeurs, and I must own I had a secret joy in letting these people see that my Lord Jersey trod exactly in the steps of my Lord Portland.

"I shall obey your commands in getting the plans of Mons. Mansart, and shall send them with the pictures which that stuttering artist Rygault promises me in few days.

* By his Governor Prior apparently means Marshal Villeroy.
Cf. pp. 235, 245, 264, 265 *supra.*

"Col. Burk is the most joyful man alive; I hope he will deserve your kindness to him by a perpetual attachment to His Majesty's service and interests; his name is William Burk of Barna-Darigg in the county of Galway.

"Davis (the rogue that robbed you) is a great courtier at St. Germains, where he appears at the levée and dinner.

"For what regards the business of Nancy I give Your Lordship equal thanks as if what I desired had been effected. His Majesty could not have sent a worthier man than Mr. Hill, and my taking the liberty to solicit Your Lordship proceeded from my not knowing it was so disposed of." *Copy.* (XII. 121–4.)

The Earl of Portland to Matthew Prior.

[1698-9, Jan. 30. N.S.]. Kensington.—"Je ne m'estonne pas, Monsieur, que les Protestants à St. Germain voyent leur fautte, quant ils se sentent si négligés et mal traittés, et que des gens comme Davis, et des bonnes femmes et prestres sont caressés. Je doutte pourtant qu'il y en ayt qui se hasardent de venir ici sans savoir leur seureté.

"Je suis impatient d'apprendre la réeussitte du ball et de l'effect de la différente compagnie qui s'y trouvera. Vous avez trop méchante opinion de vostre Gouverneur; je ne vous crois pas bon pupille: quoique j'en aye une meilleure, je vous prie de m'envoyer les lampoons que vous aurez faits.

"Il n'y a rien de plus raisonnable que d'encourager nos correspondants par toutte sorte de moyens; Dieu veuille que nous n'en ayons pas besoin. J'ay adjusté la chose avec Mons. Vernon, mais il ne faut pas que depuis mon départ de France les frais viennent à ma charge.

"J'espère que Rigaut se lassera à la fin de mentir, et que vous pourres m'envoyer mes tableaus avec les desseyns que l'on me mande que Mons. Mansart vous a donnés de Versailles, Trianon, et Marli." (V. 9.)

John Robethon to [Matthew Prior].

169[8-]9, Jan. 23–Feb. 2. Kensington.—"Jamais la jolie lettre du 18 de ce mois dont vous m'avez honoré ne pouvoit arriver plus à propos, puisque vostre paquet (qui m'estoit adressé) ayant esté rendu ce matin à Mylord pendant que j'estois à Londres, Son Excellence l'a ouvert dans la pensée d'y trouver des lettres pour Elle. Je me sens tout fier de ce que son Excellence a vu par la lecture de celle que vous m'écrivez que vous ne me jugez pas indigne d'avoir avec moy un commerce de nature à exercer votre bel esprit. Cette marque de votre estime ne peut manquer de me faire du bien auprès de Son Excellence, et de l'obliger à regarder d'un œil plus favorable un homme à qui les gens du plus fin discernement et du meilleur goust daignent témoigner quelque bonté. Quoy que vous m'ayez procuré cet

avantage sans y avoir songé, j'ose me flatter que vous n'y aurez aucun regret, outre que vous ne devez pas estre fasché que ce petit accident ait fait voir à Mylord que ce n'est pas seulement dans les matières qui ont du rapport aux affaires d'estat que la langue françoise vous est devenue familière, mais que vous vous en servez avec la mesme facilité dans celles qui sont du ressort des beaux esprits. Je ne prétends pas parler de ceux qui le sont à la françoise, à la plus part desquels il ne reste rien quand on leur a osté l'enjouement du style, ou l'arrangement des mots. Je parle de ces beaux esprits qui pensent, et dont les pensées sont ordinairement si vives et si justes, qu'elles ne laisseroint pas de charmer quand mesme il leur manqueroit quelques unes des graces de l'expression. Si c'est le défaut des beaux esprits du pais où vous estes d'estre plus superficiels que solides, je suis fort fasché d'apprendre par vostre lettre que leur négotiateurs sont du mesme caractère, et qu'ils ont plus de paroles que d'effect. Je croy mesme que s'il falloit entreprendre deux cures si désespérées, la beauté originelle des productions de vostre génie convertiroit plus aisément les premiers que toute la force de vos raisonnements et la clarté de vos mémoires ne toucheroit les seconds ; et pour vous donner une raison de cette différence, c'est que l'erreur des uns est dans l'entendement, et celle des autres dans la volonté, de sorte qu'il seroit plus aisé de faire connoistre à ceux là ce qui est beau que de faire aimer à ceux-cy ce qui est juste. Vous avez raison de croire que je me console tous les jours de plus en plus d'estre eloigné d'un tel pais, et je l'aurois bientôt entièrement oublié si les gens du vostre ne me faisoient sentir fort souvent que la France est ma patrie en me donnant des marques du mépris général qu'ils ont pour tous ceux de ma nation."

Postscript.—" Le Comte de Tallard a dit à son retour qu'on avoit relasché dix ou douze galériens Anglois, Orangeois et François naturalisés en Angleterre, dont Mylord Portland luy donna la liste quand il partit pour la France." (V. 8.)

Matthew Prior to the Earl of Portland.

169[8-]9, Feb. 11. [N.S.] Paris.—" On Monday night at Versailles we had the unhappy news that the Electoral Prince of Bavaria died at Brussels the 6th of a fever and convulsions ; this Court is a good deal concerned at it, I mean those of them that think rightest ; the next of them are setting the Duke of Berry upon the throne of Spain without any doubts or difficulty. The incertitude of this succession should (one would imagine) oblige our House of Commons to think twice before they disband the army, for (as my Governor argued t'other day with me) how do we expect to be respected or make alliances, whilst we cannot give one man to any of our neighbours upon occasion ? or how do we hold the balance of Europe, whilst we shall not be out of fear of being invaded

every day ? I will not trouble Your Lordship upon a subject with which I do believe you are tired and vexed enough already : but I must add that our friends at St. Germains are drinking the House of C[ommon]s' health, and that those who are most our enemies will most rejoice to see us disarmed." *Copy.* (XII. 132.)

MATTHEW PRIOR to [CHARLES MONTAGU].

169[8-]9, Feb. 11. [N.S.] Paris.—" If you have not the unhappy news already from Brussels I must tell it to you, the Electoral Prince of Bavaria died there the 6th, and so the succession of Spain is as undetermined as ever. I wish we were not so very warm in disbanding our army, for we shall hardly hold the balance of Europe (as we call it) whilst we have not the weight of one armed man to turn the scale on either side ; but of this one should write a book and not a letter. We abroad see things ('tis true) in another light than they do at Westminster ; and if we do but secure ourselves, I am satisfied ; but if we shall or no is the question. Our friends at St. Germains are so delighted with what the Parliament is doing in England that they publicly drink their healths : there is no doubt but that France will give them a helping hand whenever there is a bare possibility of succeeding, but

Prudens futuri temporis exitum
Caliginosa nocte premit Deus.

This is only to my dear Master and friend, who will burn my letter, which I will take for answering it." *Copy.* (XII. 134.)

RICHARD POWYS to MATTHEW PRIOR.

1698[-9], Feb. 6[–16]. Whitehall.—" There is a warrant signed for paying 750*l.* to Mr. Secretary Vernon for secret service, and will be received this week. He tells me he is to pay a good part of it to me for your account ; as soon as he does, you shall know what I receive from him.

" I am now to answer your last letter, which is rather an endorsement on Mr. Swinford's letter relating to what you imagine I have played the fool in. I have had a full swing of rambling and thought it high time to take up, but you have yet no occasion for it, if common fame be true that you are so well provided, live in a full swing of pleasure abroad ; this is indeed sufficient at present to keep matrimony out of your head, but I shall one day have you in. I was some time since more averse to that state than you can be, and ridiculed it as much, but I am at last caught. I will not tell you how I like it, but will leave that to your judgment when you come over." (VIII. 381.)

MATTHEW PRIOR to the EARL OF PORTLAND.

169[8-]9, Feb. 16. [N.S.] Paris.—" The moment that this express is parting with my Lord Jersey's letters to Your

Lordship, I receive the favour of yours of the 30th past by the ordinary post, with the enclosed to Madam Mayercroon, which I shall send to her, it being impossible to have other access to her in the sad condition she now is in. Her beautiful daughter died on Saturday morning of a bleeding *partout* and a kind of small-pox, which never came out as they ought to do ; Madam Mayercroon is so ill that it is a question if she will long survive it.

"The ball at Versailles is, I believe, quite put off ; the *mascarades* they have amongst themselves at Marli are ridiculous enough. '*Masquez vous,' dit le Roy ; et ils se masquent tous :* he treats them with all their masquing habits, which he hires out of Rue St. Honoré here. King James and his lady are at these entertainments ; that is, they supped at Marli on these nights and return to St. Germains to lie, so this old Monarch of France trims between us as he used to do."

"The plans are not yet ready, my Governor having ordered some additions to be made of them : indeed, my Lord, he is but a civil trimmer. I shall send them and the pictures as soon as I can possibly get them." *Copy.* (XII. 136.)

The Earl of Portland to Matthew Prior.

[1698–9], Feb. 9–19. Kensington.—"J'ay bien receu la vostre, Monsieur, par laquelle vous me marquez la mort du Prince Electoral de Bavière ; les gens où vous estes vont un peu viste en mettant le Ducq de Berry sur le trône d'Espagne, sans doutte en difficulté ; vous jugez fort bien les affaires qui se passent, mais dans St. Steven's Chappel l'on n'y pense pas de mesme, et je ne m'estonne pas qu'à St. Germain l'on boive a leur santé.

"Je vous prie de donner cette lettre non cachettée à son adresse en main propre, et de rendre le service que vous pourrez ; si l'on a besoin d'argent pour les amplettes, donnez en, je vous prie, jusques a cent pistoles, que vous pouvez tirer sur moy." (V. 12.)

Matthew Prior to the Earl of Portland.

No date.—"I can only by this post acknowledge the favour of your letter of the 9–19, and shall by the next give you an account of the delivery of the letter unsealed as likewise of that to the Chevalier de Lorraine.

"Your Lordship's picture is finished at Rygault's, my Lord Woodstock's is in hand, I can only repeat that I hasten him all I can and flatter him all I can, without which it is impossible to make him work.

"My Governor told me to-day at Versailles that, as soon as the plans were done, they should be put into my hands ; I shall likewise take care to send them with the pictures. So much for your private commands ; as to the public, these people could not conceal their satisfaction for what was

resolved in St. Stephen's Chapel; they had a remark upon every word in the King's speech, and the Paris Gazettier had given as ill a turn to it in the translation as he could. My Governor thought the Parliament would not thank the King for his speech; but as I have in part already undeceived him, so I shall do it quite upon the Lords' address, which we received last night. Our friends at St. Germains are not so exalted upon the whole matter as they were last week: they are very often at Marli in the diversions there. There will be a ball we think on Monday next at Versailles, in all probability King James will be there: I cannot yet tell Your Lordship if we shall be there likewise or no.

"I tell Mr. Secretary that one of the Higgens, who has been here and at St. Germains, is returned incognito into England, having kissed King James' hand before his going. Bayly is gone into the country with the scholar, and I know not yet what effect their being together will produce." *Copy.* (XII. 139.)

The Earl of Portland to [Matthew Prior].

[1698–9], Feb. 16–26. Kensington.—"Je suis en peine, Monsieur, de n'avoir pas receu de vos lettres du 18me, cela me fait craindre que vous ne soyez malade. Les gens de la Chambre Basse ne raisonnent pas si juste que vous faittes dans vostre dernière du 11me, ni que font nos amis de St. Germain, qui boivent a leur santé avec raison. Je vous prie de faire tenir les lettres si [ci] jointes, et de me donner de vos nouvelles, car je suis enquiet pour la santé de mes amis." (V. 13.)

Matthew Prior to the Earl of Portland.

169[8-]9, Feb. 28. [N.S.] Paris.—"In my last I acknowledged the honour of Your Excellency's letter of the 9–19, and I herein send you the answer to the letter enclosed. In this and in everything I most readily obey your commands.

"The Duke of Berwick's voyage is variously talked of here, they will have it that he is to be a Churchman, and will be promoted to the dignity of a Cardinal. Quelle consolation pour des âmes vrayment Catholiques! Et quel honneur pour la véritable Eglise! I am glad his journey lies towards Italy, and shall endeavour to have an eye upon His Grace for fear of his going towards England for all his supposed devotion.

"Your Excellency will easily imagine the talk which is made here by Count d'Auvergne's being to be married to Mademoiselle de Staremberge, the gaining of a soul is an unanswerable argument for any man's doing a silly thing here; 'tis only the reformed church that is like to have so considerable a loss in this lady.

"There is the most unaccountable story runs here (and for as much as I can hear, it is true); Madame de Valentinois, being reconciled to her husband after long dissension, told him that she loved him better than she did any man, and that no man

ever pleased her so much as he, though she had had eight, which she named thereupon to her husband. This I own is very foolish to tell Your Lordship, but everybody talks of it here; the substance of this matter is that her husband will live with her no longer.

"I must detain Your Lordship a moment longer to tell you yet a thing more extravagant. On Tuesday, when we were at Versailles, people taxed me with being mighty secret and asked me how Your Excellency did, and when I had seen you; at last I found out that it had gone through all the Court that you were arrived incognito at my Lord Jersey's, that you had been at Versailles and were going to Spain, and that you had a private audience of the King, to which Bontems only introduced you.

"As soon as I came back to Paris the Président de Mêmes and others sent to my house to know if it were so. Your Excellency will pardon my troubling you with a thing so very odd as this is.

"The Duchess of Portsmouth is arrived here, and went away immediately to her country house with the virtuous Duke d'Elbœuf." *Copy.* (XII. 142.)

MATTHEW PRIOR to the EARL OF PORTLAND.

169[8-]9, March 4. [N.S.] Paris.—"I have so little to trouble Your Excellency with this post that I only take the pen to acknowledge the honour of your letter of the 16–26 February, and to tell you that I take care of the enclosed according to their addresses. We went on Monday to Versailles; the Monarch gave a ball in the great apartments, and last night there was a private masquerade in Madame Maintenon's apartments from 7 till 10, and after supper all the world was masqued in the Dauphin's apartments; this and the devotion and ashes we are in to-day is all at present.

"I have as well by last as by this post written some things in cipher to Mr. Secretary (he having the key) of which he will inform Your Lordship." (XII. 145.)

[1698-9, Feb. 26. O.S. ?].—"The Scotch have repossessed themselves at Darien; improve it in Spain.

"I received Mr. Broxton's* of the 27th; I shall do all I can for him in the affair of Mr. Lenthall*. I venture to say you will be more and more convinced of my zeal for Mr. Knight's [King James'] service in particular as well as of the faithful advice I gave those of his religion.

"The Scotch will fall out with Orpine [Orange, *i.e.*, William III.] if he does not comply with them in all things that tend to their settling at Darien.

"They will make K.W. call a Parliament in March or else they will sit and act without his consent.

"The House of Commons against Popery have ordered Bills to be brought in, which if they pass into Act, Popery

* Probably cipher names.

in a little time will be extirpated here; and in Ireland and in Scotland there will be rather worse than milder laws against them. Now these cannot be laws without K.W. consent, and so you may improve that matter, and set all foreign Princes and States to write to him not to make them into laws; if he should, they may resent it and join an Act accordingly. No courtiers have yet opposed these resolves; you may improve this, that K.W. friends are for these Bills, so that he may be said to promote it. A word to the wise, etc. If you don't improve hints given, or if you do it without success, it is to no sort of purpose to hazard giving hints. Can't these differences between the Danes, Swedes and Holsteiners be improved to a sort of general war or a religious war, of which some good may come in time? Blow the coals, leave no stone unturned: has Kimpe [King James], or why has he not, some friends authorized and commissioned in Scotland in this juncture to offer terms and rewards and encouragement for them to act for him? Remember, I tell you, the sematters may be done at the same time that you are working all over the world for his service.

"The Jacobites divided whether it be better for Mr. Kimpe's interest that Orpine be hindered going to Holland; Kimpe ought to be consulted in it and advised upon and send word over. It is wished by the Jacobites here that K.J. would intercede to take off the persecution of the Protestants in France and indeed in all parts, and that it be published that he does it.

"People divided if it be best that K.W. go to Scotland or to Holland, let us know which is best for Kimpe's interest.

"Why do you not hinder K.W. interest in all Courts abroad, and let him carry all points?

"Kimpe's affair of course must keep a Protestant air; and still remember that he employs none that are hated here or in Scotland, or that are not advised by them; otherwise it will be fatal to his family. I am doing all I can, so are others, to get Cole leave to come over. Duty to dearest M. and N.: love to all friends. I am a plain dealer, speak my mind freely whatever comes, though I know I do and shall suffer for it; do not consider the present state of Kimpe and his interest; I say again, let me hear if you receive this very letter." (V. 18.)

Matthew Prior to the Earl of Portland.

169[8-]9, March 11. [N.S.] Paris.—"In my last I told Mr. Secretary in cipher that I had heard the Duke of Berwick was gone for England; but being assured that they had letters from him dated from Lyons five days after he left Paris, and that he was going on for Turin and Italy, I write to Your Lordship at large; the design of his going is to remonstrate to the Pope the hardships which the Catholics are under in

England and to desire the Church's charity on that account. Some of his Grace's intimate friends think he has a mind to take orders. I sometimes write particulars concerning the Court of St. Germains in cipher to Mr. Secretary; if you please to have me write to you immediately the same thing, you have only to order a copy of the cipher to be given to you by Mr. Yard, or if you would have Mr. Secretary explain my letters to Your Lordship, you will intimate to me your orders in this point: in all cases, if His Majesty goes this summer into Holland, it will be absolutely necessary that you have a copy, for I shall be obliged to write to you often in cipher; in the meantime I write this plainly, and hope it will have the good fortune not to be broke open in the way.

"Lord Melford is come in again and Lord Middleton quite disgraced. About two years since several letters were showed to King James as written in England and directed to Lord Middleton; these letters mentioned that the Jacobite Protestants in England were ill satisfied with Melford's being at the head of the Councils here; Melford's party have now found out that the letters were counterfeited here in Paris, and Middleton is accused of being privy to the cheat; the effect of this which I could wish is that Middleton should come over again to us, but I leave this consideration to Your Lordship's better reflexion.

"I have intimated to Your Lordship what sudden joy some people here had upon the opiniatrity of the Parliament in England, but that joy cools a great deal. The address of the House of Commons to the King to remove Papists and discontented persons from about London I have, and shall make a good use of, by letting the Court of Versailles see that the peevishness of the House is very far from favouring our friends at St. Germains, and that, whilst we have such laws against King James and his adherents, and such addresses from our Parliament to put them in force, we are likely enough to preserve our liberties under His Majesty's reign and government without other strength than the united obedience and loyalty of all his subjects. This I say is the turn that must be given to our affairs here; to have them bettered in England, if I were there, I would venture to say at large to Your Lordship what I just set down the *ébauche* of here.

"The people of England are wild, at ease, and separate from the commerce and knowledge of the affairs of Europe; some that have a good deal of wit think too speculatively, for want of experience in relation to things abroad; many are personally malicious at the Court because they are not in it; the Ministers therefore should give His Majesty at once a plain, direct and honest account how this general bent of the nation is at present, and not tell His Majesty things by halves, letting him see the worst side of them when it is too late; but if some of the Ministers be too deep in their parties' interest to do this, His Majesty's business suffers from their partiality, and

as the Scripture says, no man can serve two masters, so no man, I am confident, can serve a King of England, who ought to be master of all parties and persons in the kingdom, who is too much a slave to any party wherein he is engaged.

"With this His Majesty will be pleased to say the kindest things imaginable to the Parliament when he grants a thing, and the most like a king when he refuses; thus did Henry the 7th and Henry the 8th and Elizabeth, who refused more things than any other of our Princes, and yet governed us best: and every word and syllable that the King speaks bears a great weight through all Europe, particularly in this Court.

"As to this project of an Act to restrain the number of officers in the customs, excise, etc., that shall sit in the House, it will limit the King's power more than any of his predecessors have been, and may have a worse effect in future Parliaments than can be seen at present. Men of good learning and experience should be a little encouraged to take notice and talk of this in their conversations in Westminster Hall, in coffee-houses, etc.; the Ministers and great men about the King should find out such persons for this service.

"And it should be intimated that some of these men who are most violent in this matter are breaking into our constitution as much as those who in former reigns were for repealing the penal laws and tests, it being the same thing to the nation if we are hurt by bad subjects or by a bad King, and that we suffered as much by popular rage in '45 as by arbitrary power in '88.

"The Archbishop and those Bishops who have power should hint this to the clergy, and this may be said of the Tory clergy preferably to the other, that if they are in the King's interest, they will most heartily espouse his cause. The others, though they have been active for the King, were so because they were against Popery, and thought King James most against them; but they were bred in latitudinarian principles, and are no great friends at bottom to monarchy, though in the hands of the most righteous Prince that ever reigned. This will be found true by all those brought up in Bishop Burnet's sentiments; for my Lord himself, you will find that he will give *teste baissée* into everything that may please the Princess, that he may have the Duke of Gloucester more entirely his own.

"I will only observe further on this head that the King's speech as soon almost as he was on the throne, in which he said he would sustain the greatness of the monarchy, did him more service than any speech he has made since, and that the body and commonalty of the people of England love the glory of monarchy in general, and will keep up that of the King in particular who has done such great things for us, if they are rightly managed.

"Your Lordship sees with what nakedness and simplicity I dare open my mind to you; I dare affirm a good deal of

what I say is truth, and I believe most of it practicable. I beg Your Lordship not to show it to anybody, neither to my friend Montague or to Mr. Secretary. If any improvement may be made of what I say to His Majesty's service and interest, I shall account myself very happy, and I hope Your Lordship knows me well enough to think that I do not write this out of a saucy desire to shew myself a politician, or an opinion of my own knowledge, but in the duty, zeal and respect that becomes the least of the King's subjects and the most humble and obedient of Your Lordship's servants.

"In August last I sent you a paper sent from England to the Court of St. Germains. It was called *A Moderate Proposal in favour of the Prince of Wales, offered to the Parliament*; there is another paper just now come over, written by the same author, and privately to be dispersed to the Members of Parliament who they think may be trusted with such a thing; it is only to recommend the Prince's interest and does not make at all for King James; some things are to be altered in it here, and it is to be returned back into England. The medal, of which I send you one enclosed, is likewise dispersed amongst the Jacobites on your side. I have the honour of Your Lordship's letter of the 20 Feb.-2 March. I shall do as you command."

Postscript.—"I have power from Mr. Secretary to receive the 350 pistoles (*louis d'ors*) and shall by next post tell him and Your Lordship the joy the distribution of them caused here." *Copy.* (XII. 146–52.)

Richard Powys to Matthew Prior.

1698[–9], March 2[–12]. Whitehall.—"I find our town hath unjustly laid a scandalous story upon you, that Miss Cross was one of your domestics. Indeed I did not give much credit to it, for I did not think it an easy matter for you to be like Alderman Duncombe who keeps a pair in his house, and they live very friendly together. I shall refer myself to Mr. Swinfurt as to my enquiry after her, who, I find, visits her oftener than you do. I have no news to tell you but that our mighty Duke of Bolton was found dead in his bed, and thereupon Miss Crofts, your Irish Queen, is become an English duchess." (VIII. 389.)

The Earl of Portland to [Matthew Prior].

[1698–9], March 2–12. Kensington.—"Je vous remercie, Monsieur, de vos dernières lettres, qui ont esté longtemps à venir, je ne sçais pourquoi; j'en ay receu trois à la fois, du 25 et 28 Feb., et du 4 courant. Je n'ay pas encore receu de réponses aux miennes, dont je suis impatient, comme de mes portraits et plans. La Ch[apel]le de St. Est[ien]ne est fort despourveue de charité et de sagesse, je voudrois que l'on eût moins remercié et plus fait; je ne sçay pourquoy l'on n'est pas content à St. Germain, ils ont lieu de l'estre. L'on doutte

fort ici que le Duc le Berwyck soit allé en Italie. Il est bon que vous ayez l'œuil au guet; pour moy je suis si las du monde que si il y avoit des cloistres de nostre religion je crois que je pourrois m'y retirer; ce ne seroit pourtant pas par regret de la perte que fait nostre Esglise de Mlle de Starremburg; vous avez demeuré trop longtemps à la Haye pour n'en pas cognoistre la carte. J'admire l'histoire de Madame de Valentinois; on la croiroit impossible dans ces circumstances—non qu'une femme ne voulust avoir huit galants à lá fois; j'en ay cogneu une qui en avoit dix et neuf et ne peut jamais parvenir au vintiesme; à mesure quelle en prenoit un pour rendre le nombre complet un autre la quittoit. Je vous prie de me mander les noms des huit, je crois en cognoistre plusieurs; le mary ne devroit pas la laisser après la déclaration qu'elle l'ayme plus qu'auquun des huit. Je croys que vous me croyez fort secret d'avoir esté en France sans vous rien dire; si les dames estoi[en]t persuadées de cela, j'aurois aussi huit maistresses, si j'estois en âge d'en avoir grand besoin. Dittes a Mons. le Président de Mesme que je lui pardonneray jamais qu'il m'aye creu à Paris sans le voir. Je croy que Mons. le Duc d'Elbeuf a trouvé un pucellage nouveau, il nous est bien obligé de le lui avoir laissé. Je vous prie de me mander un peu des nouvelles de la Cour ou de la ville qui divertissent; vous jugez bien la raison pourquoi je vous faites cette demande asteur [à cette heure]; nous en avons besoin.

Postscript.—"Je vous envoye si[ci]-joint une lyste des noms de quelques jeunes gens de qualité d'Eccosse qui sont asteur en France, je vous prie d'en parler à Milord Jersey, il seroit bon qu'on les peut un peu attirer chez lui pour les tenir dans le bon chemin, et si ils n'y viennent pas, il sera nécessaire que vous les fassiez observer pour estre informé si ils ne vont pas faire leur cour à St. Germain." (V. 21.)

James Vernon to [Matthew Prior].

1698[–9], March 6[–16]. Whitehall.—"I have received your letter of the 11th instant, and have communicated it to my Lord Portland, who will himself impart to you his thoughts upon it. Mr. Powys has not yet brought me your bill; when he does, I will forward it all I can. I see your St. Germains people are impatient to be at work. I hope, as they go on, one or another will give us notice of it, that we may be a little provided against them. If they have no other engines but prints, pamphlets and medals, we shall do well enough; but their doctors and students are most to be taken care of, and if they send over commissions, it would be a seasonable service if we could have such notice of it as to be able to apprehend them. This perhaps is an opportunity wherein Brocard may signalize himself, and be entitled to greater advantages than are to be expected only from me. In the meantime I am very willing to furnish what is necessary for his support, and to enable him to appear. I hope likewise you have found

out some others that are rather more to be depended on. Whatever our enemy's design, it may turn to our good as well as our hurt if we have the same success we had last time, and have but timely notice how their game is to be played.

"They have made a seizure at Canterbury of some prints lately brought over of the Prince of Wales, and narrowly missed his medals. The importer escaped them, but I hear who he is; whether I shall find him I know not." (V. 27.)

The Earl of Portland to Matthew Prior.

[1698–9], March 6–16. Kensington.—"J'ay bien receu hier au soir, Monsieur, la vostre du 1–11me. Je suis bien de voir que le Duc de Berwyck soit allé à Rome, parce que beaucoup de gens croyoit qu'il estoit arrivé en ce pais, l'on m'asseure aussi très positivement par plusieurs mains que Breyerley et d'autres gens de sa sorte sont ici; c'est pourquoi je vous prie de bien faire observer si il est encore en France, et de me le mander, car vous sçavez ce que l'on a toujours à craindre, particulier si my Lord Melfort et le party des prestres a le dessus à la Cour de St. Germain, et que my Lord Middleton soit en disgrace. Je croy que ce dernier nous pourroit rendre de grand service si il vouloit, et je ne vois pas quel mal il nous pourroit faire d'estre ici, mais avant que de sçavoir ou demander les sentiments du Roy sur la licence qu'il lui faudroit, il seroit bon de sçavoir si il estoit disposé à le souhaitter et à le mériter; il faudroit que vous voyez si vous trouvez quelque moyen de le faire presentir, et d'employer quelquun sous main pour travailler sur son esprit.

"Je ne manquerai pas au besoin de demander au besoin une copie du chiffre de Mons. Vernon, et de m'en servir si vous aviez besoin de m'escrire quelque chose en chiffre. Le Duc de Berwyck aura bien des mensonges à dire pour bien faire comprendre la persécution des Cath[olique]s Romains en ces pays, où ils n'ont que trop de licence. La preuve de cela est l'adresse de la Maison Basse au Roy; l'on m'a asseuré depuis quelques jours qu'il y avoit plus de 500 Jésuites dans la ville. Je ne sçay ce qui est la cause que la joye des Jacobites se rallentit; la raison qu'ils en ont eue est tousjours la mesme; vous avez bien raison de dire que la nation Anglaise ne connoist pas son bonheur; mais ce qui est bien pire, c'est qu'elle ne cognoist pas son danger, et oublie ce qu'elle doit au Roy, et a soy mesme.

"Vos raisons sont bonnes et vos arguments de mesme, mais vous ne comprennez pas que les meilleures ne valent rien ici, et que plus grand politique s'y trouveroit bien embarrassé. J'ay bien receu la médaille dans vostre lettre, je guetteray si il en paroit ici; nous voyons tant de mauvais escrits que je ne pourray pas recognoistre celui dont vous parlez quand il paroistra. Je vous prie de bien faire observer tous les mouvements qui se feront où vous estes." (V. 25.)

MATTHEW PRIOR to the EARL OF PORTLAND.

169[8-]9, March 18. [N.S.] Paris.—"Your Lordship will have the goodness to pardon my last letter, and take the freedom with which it was written to proceed from its right motive. I would not be ruined or hanged for my sentiments, so I dare only tell them to Your Lordship, and beg you to burn them. His Majesty, upon the many occupations he has, must (according to my wise politics) e'en take one other trouble upon him; he must be his own Minister, and direct his Council, or at least some of them, what he would have done, rather than rely upon their advice as to what he should do. The Whigs have given him good words, and seem to do their best in Parliament for his interest; but if they do their best, or no, or only (as I say) seem to do it is the question, since it is evident that most of those members who have not been in former Parliaments, and who do in this compose that body which they call the country party, are those who have obstructed the King's business, and yet most of them are and have been always Whigs; on t'other side the Tories in these last affairs have voted against their principle, because the chief of their party are peevish, and the multitude of them follow their example, whilst these leading men are against the Court, right or wrong, because they are not of it: the remedy that is to be found to this evil is that in one and the other party some should be gained by His Majesty's goodness and kindness, and others made sensible of his displeasure; this was practised by King Henry the 7th and Queen Elizabeth with success, who, as I observed to Your Lordship, were our best Princes and ruled us best.

"The people of St. Germains continue to think they have many friends in St. Stephen's Chapel, and, if things go on at this rate, make sure of returning to England. The Duke of Berwick, I am informed, left Turin the 24th of February and went to Venice; this appears by a letter from the Duke to Col. Hamilton, and I think we may rely upon the information. I am next to thank Your Lordship for your favour of yours of the 2–12. I have informed myself from time to time of the actions of those persons you sent as of all others here whom I have any reason to suspect; the Marquis of Montrose is gone to Orleans, he is under the inspection of a governor, who is violently a St. Germains man, and the young gentleman is, I believe, in his heart so, too.

"Lord Nythsdeal [Nithsdale] is chief of the family of Maxwell, a Roman Catholic, and cousin to Sir George Maxwell likewise here; he is likewise a St. Germains man, though outwardly civil to my Lord Jersey and us; he has married my Lord Montgomery's sister out of the monastery at Pontoise, and is carrying her home to Scotland.

"The Earl of Ken'nule [Kinnoul] is a Roman Catholic bred here in France, a man of no genius; one sees him in all companies, and, I think, without great consequence.

"The rest mentioned in the list are honest men to their country and His Majesty's Government.

"Sir George Maxwell, who, I have said, is here, is a riddle, he came to my Lord Jersey's entry, hopes to get leave to return to England, yet is commonly with my Lord Clare and and Mr. FitzJames, whom they call my Lord Albemarle, and talks of going with the latter to Malta and Constantinople: he games, he drinks, and he converses with all parties and all nations.

"As to Mademoiselle Staremberg, they give out here that she is not to change her religion to be la Comtesse d'Auvergne, but this is, as I suppose, to make her doing so sometime after she is married seem to proceed from her own choice, and not from any worldly consideration. Your Excellency observes that having lived long at The Hague I must have known *la carte du pays;* I do indeed, my Lord, so well as to think that the Lady would fairly have turned Jew, if Suasso would have married her when he was a widower. The difference between a great Ambassador, that is, Mons. de Heemskirk and I [*sic*], a little secretary, in this point is that I only write this to my Lord Portland, whilst he says publicly at people's tables—'Allons! je la connois bien, elle est ma cousine; Messieurs les fils du Comte d'Auvergne ne doivent pas se fâcher contre leur belle-mère, car en trois mois de tems elle sera autant aux fils qu'au père': this is equally civil and discreet in a man of his character.

"I am ashamed not to have been able to send your plans and pictures sooner; my Governor assured me on Monday that I should have the former this week, and Rigault will, I think, be at last as good as his word in finishing the pictures; I will send them both as soon as possibly I can.

"The peevishness of our friends at St. Stephen's Chapel is sufficient to make any man wish for a cloister, but I hope in God Your Lordship is above all such thoughts, for 'tis from such men as you that the tide must be stemmed and the waves broken: and great and good men are most necessary to the preservation of the State in the most troublesome times, so that I hope, my Lord, for all your being weary of the world, we shall long enjoy you as our patron and friend, and good men continue to be obliged to you." *Copy.* (XII. 156–60.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, March 21. [N.S.] Paris.—"I troubled Your Lordship with so long a letter last post that I should not have written to you by this but to acknowledge the favour of yours of the 6–16. I am informed that 15, 84, 114, 32, 85, 58, 114 is still in 1055. I wish to God I could 583, 588. [*Cf* p. 274, *supra*.] I do my best in that affair and everything else relating that way.

"The Duke of Berwick is (as I am informed) at Venice.

"The enclosed lets Your Lordship know the common occurrences." *Copy.* (XII. 163.)

The Earl of Portland to Matthew Prior.

[1698–9], March 16–26. Kensington.—"Je vous asseure, Monsieur, que j'ay leu vos dernières lettres avec satisfaction ; vos raisonnements sont justes, mais il y a peu de monde ici de vostre sentiment, pas mesme vostre meilleur ami, ou du moins si ils le sont, lui et tous ceux du Clubb n'agissent pas comme si ils l'estoient. Il n'y a point de 'Spirit,' à moins que ce soit dans un 'Committee of Elections' : du reste, quant il est question des affaires publiques, l'on ne fait rien que par manière d'acquit, sans feu ni ardeur, et à peine les gens peuvent retarder leur dîner, pendant que pour l'intérest du parti ou d'un homme qui en porte le nom, l'on voit toutte la chaleur du monde, et comme si le salut de la nation en dépendoit, de quoy l'on ne semble pas estre sensible dans les choses véritablement essentielles. Enfin l'on est comme les gens malades de léthargie très dangereuse parce que les malades ne sentent pas leurs maux, qui ne se guérissent que par des remèdes violents. Dieu voeuille qu'ils ne soyent pas fatals.

"Vos lettres ne sont veues que d'un seul, là où ils vous font du bien. Soyez seur que je vous ayme trop pour en faire un autre usage. Il faut encore que je vous dise que le remède que vous proposez, quoy que bon, est quasi impraticable, parce que nos gens, quoy qu'ils l'approuvent en général ne sçauroi[en]t jamais convenir d'auquune personne en particulier du parti contraire sans y trouver des exceptions insurmontables quant l'on vient à en nommer. Je ne m'estonne pas qu'à St. Germain l'on soit persuadé d'avoir des amis 'in St. St[ephen]'s Chapel' ; je croy qu'ils ont raison.

"Je croy ce que vous me dittes de Mlle Starrenburg : Swasso est un bon parti à qui ne s'attache pas aux scrupules de religion. J'admire la belle prudence de l'ambassadeur parent de la dame ; il y a des petites maisons en France, où il y a des logements à louer.

"Je ne veux plus songer à mes tableaus, ni aux plans. Il en est de cela comme de toutte autre chose, beaucoup de belles promesses et peu d'effects. Mandez moy comment se porte Madame de Meyercroon ; dans son affliction je reçois si peu de ces nouvelles." (V. 33.)

Matthew Prior to [Charles] Montague.

1699, April 1. [N.S.] Paris.—"By the last post we hear that my Lord Jersey is recalled, my Lord Manchester named to succeed him, and I ordered to stay here till the newest of these Ex[cellen]cies arrives here. I know not what my Lord Jersey is designing for in England ; but if it be to be Secretary of State, I presume I may be his Ellis, which is descending from the high rope to tumble more safely upon the ground.

and it is time for me so to do after what I have seen in foreign employments, and as far as I can see by my being ordered to stay only my Lord Manchester's coming, something of this kind is designed for me. I have written to my Lord Manchester, and upon his answer shall be ready to serve him with all the zeal and ardour which I owe to the blood of the Mountagus. For God's sake will you think of a little money for me, for I have fluttered away the Devil and all in this monkey country, where the air is infected with vanity, and extravagance is as epidemical as the itch in Scotland. My bounty money from the King is now due, five hundred pounds; if one could get a warrant signed for it till you thought a little of my arrears; for to be pawned in France and lose my hopes in England at one time is too much for any man to bear who was not born under the star of Colonel Powers. I beg you to help me in these whimsical circumstances under which I lie at present, though God knows all the return I can make you is promising to continue for ever with the greatest truth and respect, &c." *Copy.* (XII. 172.)

MATTHEW PRIOR to the EARL OF MANCHESTER.

1699, April 1. N.S. Paris.—"I might congratulate your being named to succeed my Lord Jersey, as I bear part in what I am sure will be for the good of His Majesty's affairs, as I rejoice in any honour that accrues to your family in general, or as I have a particular respect and (if I may dare to use the expression) a friendship for Your Lordship. You see, my Lord, how copious a subject I have and how easily I could send you on this occasion a panegyric instead of a letter, but my oratory shall go no further at present than to acknowledge the favour of your letter, and your kind discoursing of my affairs with Mr. Mountague, and to offer Your Lordship my best endeavours in your service here. I know not when Your Lordship designs to be at Paris, but I take it for granted it will not be long first, if you determine your coaches and equipage to be made here, since they may be making and your house furnishing, you being here; since you are not obliged to see anybody except privately, and you please yourself till you have had your public audience, and Your Lordship knows, your appointments commence from your taking leave of His Majesty; but this is a consideration Your Lordship will best judge of, and I will only say upon this head that the beauty of one's coaches and the *bel air* of one's liveries are things essential to a man's reputation in France. I presume Mr. Stanyan will come out again with Your Lordship; if so, it would not be amiss that he were here before Your Lordship, that I might remit to him the state of our affairs, and Your Lordship might find things in a method; and if a house-steward or some such servant were here, Your Lordship would find the advantage of it at your arrival, provided you do not design to be here soon yourself. You can hardly imagine

how different [*sic*] it is to get a house fit for your quality and character in the Fauxbourg St. Germains. My Lord Jersey was for want of a house in that quarter obliged to take up with one at the other end of the town, which is a most intolerable inconvenience. He had just remedied it by taking a new house in the Fauxbourg at Easter next, and in my opinion Your Lordship cannot do better than to take his bail and continue it; the house is perfectly fit for you, and in the best part and wholesomest air of the town, not far from where my Lord Port[land] lived, and by consequence near the Tuilleries, the Cours, the Comedy, convenient for Versailles, and for the foreign ministers and the English to come to you. My Lord has taken this house with the clause of six months, that is, you giving six months' warning to the proprietor as he reciprocally to you, you are at liberty to leave the house, the rent of it is 6,000 *livres* per annum, that is, at present, 400*l.* sterling, so that, if Your Lordship takes my Lord Jersey's bargain, you have a house till October, at which time you may renew the bail, or quit the house, as you please, for the expense of 3,000 *livres;* and I think, my Lord, you cannot do better; as to furniture my Lord Jersey would dispose of some of his to Your Lordship, such as tables, chairs, bureaus for books, escritoires, ordinary beds for servants, English pewter, *batterie de cuisine,* and such lumber as one hates to bring and yet must have. My Lord has eight fine grey horses (Dutch) which he would likewise dispose of; he has another set of black horses or mares (for, faith! I am not jockey enough to know which they are), which, I believe, you may likewise have, but I must beg Your Lordship to give me your answer by the next post, if possible, as to these horses, the house and household-stuff, for fear they should be disposed of otherwise. For such kind of reasons as these I repeat to Your Lordship that it would be necessary that you sent some agent before, who, knowing what goods you bring with you, may supply what you may want. In the meantime, my Lord, you have a very good *homme d'affaires* here, for my Lord Jersey at the same time that he congratulates Your Lordship's succeeding him, offers you his service, and for myself, my Lord, I hope you will command me as you would do one of your own domestics." *Copy.* (XII. 165–8.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, April 1. [N.S.] Paris.—"I have the favour of Your Lordship's letter of the 13–23, and by the same post we receive the news of my Lord Jersey's being recalled and my Lord Manchester named to succeed him. I have orders upon this occasion to stay till my Lord Manchester's arrival, which, I hope, will be soon after my Lord Jersey's departure, for I would fain have the honour to give Your Lordship an account of things here before the King goes for Holland, and be in England whilst I might have the happiness of seeing and being pro-

tected by my Lord Portland at my coming, since it was in obedience to Your Lordship's service that I went out of it. I shall leave the memoirs and journals so perfect in my Lord Manchester's hands that he will have it traced to him, and need only follow them to be sure of being right. Your Lordship opened so fair a way that your successors cannot mistake, and I may return (according to His Majesty's present orders) as soon as my Lord Manchester shall be arrived here : in this and in everything I refer myself wholly to His Majesty's orders ; that is best for me which His Majesty commands, and what country, what condition, what employment so ever he gives me it is the glory of my life to take and to labour in for his service ; in England (possibly) I should not be useless. I hope, my Lord, you will not think it vanity that I say so, or that in my former letters I have touched upon some points infinitely above me ; I will excuse myself for all I have written of this kind upon my zeal and truth for the King's interests, and upon the confidence which Your Lordship's kindness to me did inspire me with. By that *un seul de mes amis* that saw my letters Your Lordship either means yourself alone or one other who had the greatest right and reason in the world to see them ; in all cases I am far from being in pain whilst my poor sentiments are in the hand of Your Lordship, who has known and kept the greatest affairs of Europe with equal secrecy and glory.

" My Governor and I had yesterday a long discourse of our English affairs ; he cannot forbear insulting a little and showing his satisfaction at the breaking our troops. Whatever I thought in my heart, I answered him by an historical account of our Parliament's proceedings in the reigns of those Princes whom we loved and revered most, of the nature of our government, and of the laws of our constitution, and insensibly led him to see that no step in the House of Commons was made in favour of the people of St. Germains, and that neither they or theirs were so much as thought of in the deliberations or votes of Parliament. My Governor is always with 1255 [Louis XIV.], and I dare swear pumps me to tell half an hour after the effect of his questions ; he is an excellent courtier, but if they had no abler heads than he, we might sleep in quiet.

" As to the plans, he told me that Mansard is working at them, that the King intended you should have them perfect, and according to the design which His Majesty is now forming, and that he takes it upon himself that you had them not sooner ; he bids me excuse to Your Lordship his not writing to you, but says he will write to you very soon, and he enjoins me to tell you very particularly that the King very often speaks of you and always with great marks of esteem. I would not have the Parliament know this for fear they should impeach my Lord Portland for being too well with France. One may see from the discourse of my Governor and 1438

and the former 1352 [Governor] of Namur that 1129 in 1454 writes all the twittle-twattle he can pick up: a little care should be taken of that Datter, and an eye should be held over those who frequent the conversation of that gentleman.

"Rigault is working at the last copy of my Lord Woodstock's picture. I do whatever I can to hasten him, but I had rather stay than let his men spoil the pieces. I have no news from any of your correspondents, and am not sorry for it; the least that is doing or projecting here the better it is; I am only to add the receipt of your packet of the 16–26. I shall take care of the letters enclosed according to your order." *Copy.* (XII. 169–71.)

Richard Powys to Matthew Prior.

1698[–9], March 23[–April 2]. Whitehall.—"On Friday last your aunt, Mrs. Prior, was taken with a fit of an apoplexy, of which she died on Tuesday morning at four o'clock.

"Having now taken a house I am entering into the expense and trouble of furnishing of it. Pictures, if good, are very dear, if bad, they are the worse furniture I can have; but good prints make as handsome a show. I would beg the favour of you to speak to Mr. Swinford that he would so far trouble himself as to lay out about ten pounds in some of the best prints for me, and to bring them with him when he comes over, and if you please to let him have the money, I will give you credit for it in your account, or will pay it any other way as you or he shall think fit. I would not have the prints of the *Triumph of Alexander*, because those were lately given to me here."

Postscript.—"My Lord Manchester is preparing for France, and the news here is that you are like to stay there. But I hope otherwise." (VIII. 407.)

Matthew Prior to the Earl of Dorset.

1699, April 4. N.S. Paris.—"Your Lordship will easily judge with what satisfaction I received your letter, and that, though I am a courtier, I speak an undeniable truth when I tell you that no earthly good can be more welcome to me than to hear of my Lord Dorset's health and welfare. My Lord Jersey (as I foresaw) is recalled and generously offers me the accompanying of his fortune. I have had too many proofs of his kindness already to doubt any way of its continuing; and I think I see it already destined by the higher powers that His Lordship will be Secretary and I his Vernon. I have already told His Lordship how weary I am of fluttering here abroad, and I think this is as fair an occasion as can offer for my getting home. I have had all that this sort of employment can give me, and I hope I have made myself so fit for that which is designed me, as to answer in some measure the care Your Lordship had of my childhood in making me fit for any; and as I heartily wish myself near Your Lordship, where

in spite of business some hours might be set aside for common sense, so I beg Your Lordship to contribute to it. My orders are to stay here till my Lord Manchester's coming. I must obey thus far, but cannot stay his entry and audience; this if Your Lordship would hint to Mr. Mountague (in case he should require it) would be a new obligation added to a thousand more which I already owe my Lord Dorset. I would make all imaginable haste home, first, because it is not reasonable (upon a suspicion that my Lord Jersey is Secretary) that he should be left without a *commis*, and secondly, because if I am in England, and in that post before the King goes for Holland, it may happen that I may be left secretary to the Regents; the latter of these reasons I would mention to no man alive but Your Lordship, from whom I would not hide the inmost thoughts and desires of my heart, though you see, my Lord, how much ambition and vanity is mixed with them. I shall perform your commands of all kinds, and desire you to send me any new commission you would have me execute, before I have the honour to embrace your knees and to tell you that I am entirely and eternally, etc." *Copy.* (XII. 178–9.)

JAMES VERNON to MATTHEW PRIOR.

1699, March 27[–April 6]. Whitehall.—"I have received your letter of the 1st of April [N.S.], and don't examine how much you or my Lord Jersey knows of His Excellency's being designed to succeed the Duke of Shrewsbury, but it has been no secret here a considerable time, and I hope you did not receive the first news of it from Mons. Tallard's advices. I did not indeed mention it, because I concluded His Excellency would know it before I could write it. I think it so certain that you may build any measures upon it you would take, and need not write mysteriously about it. You need not doubt but I shall approve of what you judge most for your advantage, and assist in it if I can be of any use. But you must not think of removing before my Lord Manchester arrives; how soon you may get away afterwards, I leave to be adjusted between Mr. Montague and yourself. I understand you have writ to him on this occasion, and I suppose you will receive his answer by this post or the next. I do not conceive that it can be prejudicial to you in whatever you propose to yourself, if you stay till you have put my Lord Manchester into the course of his business, which I have further explained to Mr. Montague than I need mention here." (V. 37.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, April 8. N.S. Paris.—"I ought last post to have told you that I had the honour of your letter of the 26th of March; the clearness, the right sense and the judgment of it convince me that I was not in the wrong as to some of my conjectures, and in some points enlighten me a good deal: it is astonishing, I confess, the conduct of those people

who think of everything aright but the safety and honour of the nation: in short such spirits are not to be dealt with. I dare say no more of it at this distance, but hope (according to what I had the honour to write last to Your Lordship) that I may have the opportunity of speaking more upon this subject, as I may have the happiness of seeing you, though I once more repeat that I pay an absolute and entire obedience to His Majesty's commands, and that I beg Your Lordship to think that I have no consideration of what may be for my private interest, but as I may serve the greatest man and the kindest Master in the world.

"There is no kind of news at Versailles; two nights since threatening papers were set up on Pont Neuf before the pedestal of King Harry's horse against Pontchartrain and the Government, and that there were ten thousand men in Paris dissatisfied enough with the King to come and pull down Versailles. Bagatelles, my Lord. The whole people of France are oppressed and discontented enough, but saying and acting are two things in this country. The plans are at length done, and my Governor promises that I shall have them *au premier jour*, as he calls it, with a letter to excuse their having been retarded so long." *Copy.* (XII. 180.)

The Earl of Portland to Matthew Prior.

[1699], March 30[–April 9]. Kensington.—"J'ai bien receu, Monsieur, vostre très agréable du 1 d'Avril, N.S. Je serois très aise d'avoir la satisfaction de vous voir de retour ici, mais je croy que vostre ami Mr. Montagu s'y opposera, puis qu'il est trop persuadé du grant besoin que Milord Manchester, pour lequel il s'intéresse, aura de vostre assistance, comme j'en suis persuadé aussi, vous cognoissant comme je fais. Il y a des choses ordinaires dont vous pouvez lui donner des mémoires pour lui servir de règle, mais sur touts les incidents qui arrivent en ce pais là assez souvent, et sur beaucoup d'affaires où il aura besoin de vostre conseil et assistance, ce n'est pas la mesme chose, et si j'estois Mylord Manchester, je serois en désespoir de vous perdre. Le Roy a leu vostre lettre, et votre soubmission à ces ordres ne vous sera pas préjudiciable. Je vous ay témoigné dans ma précédente la satisfaction que l'on a eu des sentiments que vous aves marquez sur les affaires de ce pais, qui n'ont estez veus que de celui seul qui a le droit de les voir. Vous sçavez que je vous veus trop de bien pour en faire un autre usage. Je crois que vous aurez eu de la paine à faire une bonne histoire de l'affaire dont vous avez esté obligé de parler a vostre Gouverneur, que je crois comme vous beaucoup plus grand courtisan qu'habile politique; sachant comme vous faittes quel usage il fait de ce que vous lui dittes, vous pouvez en faire un bon usage, et je vous fieray bien avec lui. Je vous prie de lui faire bien des compliments de ma part; les grands généraux ne sont pas tousjours grands ministres. Je suis bien aise

que les nouveaus desseyns de Marly soyent adjoutés au plans, et le seray bien plus de le voir arrivé, avec mes tableaus. J'espère que le Parlement n'aura jamais d'autre sujet de me vouloir du mal, que celui dont vous me parlez, et je ne seray pas en danger de ce costé là. Les gens prennent tant de liberté de parler en ce pais si[ci] qu'il est difficile de faire observer les rapporteurs, et celui que vous dittes, qui escrit tant de fadaises, fréquente tout le monde, et vous sçavez que tous les Jacobites sont autant d'espions, et qu'ils n'ont pas ce caractère escrit au front, quoy que l'on en cognoisse beaucoup. Il est certainement bon de ne rien apprendre des correspondents, pourveu que vous soyes asseuré qu'ils ne se nesgligent pas. Mons. le Prince de Condé m'avoit ordonné de lui faire tenir un plan du labirinthe à Sorgvliet, que je vous ay envoyé ; je vous prie de le lui donner." (V. 40.)

James Vernon to Matthew Prior.

1699, April 6[–16]. Whitehall.—"I have your letter of the 1st instant, but can have no hand in helping you away so soon as you desire. I signified to you His Majesty's pleasure for your longer continuance there, and I think it almost indispensable when I consider the conveniency of His Majesty's service. While we have not an Ambassador there, we should at least have an experienced subaltern minister, and not send a perfect stranger with a diminutive character. If His Excellency has better reasons for bringing you over, I wish they may prevail, but I think your longer stay there will be useful to the King and your being here before Michaelmas will be of no great use either to my Lord Jersey or yourself, if this summer be spent as the last was under the administration of Lords Justices. My Lord Jersey may bear a part in it, but the secretaryship will be Mr. Yard's province, he being in possession of it, and that admits of no colleague while it lasts. In my opinion, therefore, your business is to resolve upon staying there some months, and to press my Lord Manchester's coming over, that the time may be shortened ; and for your revocation, leave the care of that to my Lord Jersey, whom you may depend upon that he will not prolong it beyond what is absolutely necessary. In the meantime I will solicit Mr. Montague to take care of your arrears, that you may have some compensation for absence.

"If the enclosed advice contain what news is extant, I am very well satisfied. I would not have him make news for us, as I believe he has with his old repeated story." (V. 46.)

Matthew Prior to the Earl of Portland.

1699, April 18. [N.S.] Paris.—"It is with the greatest sincerity imaginable that I acknowledge the particular favour of two letters from my Lord Portland of the 30th of March and the 3rd of April.

"As to public affairs there is little stirring; devotion employs the week, poor King James is running about, first to the Jesuits, then to the Benedictines. He dined yesterday with the Bishop of Autun. Thus, God be thanked, if acting with prudence would do him any good, he would not have the benefit at so dear a rate; and my Lord Middleton, who traces about with him, is perfectly out of countenance for him; as an English gentleman I sent to see them told me.

"The Queen is in the meantime doing her devotions at Challott [Chaillot]; they have ordered that no Protestant servant of any condition whatsoever shall be about their son.

"Burk parted from hence on Wednesday morning; I presume he has kissed your hand before now, and delivered you the plans and Mons. Villeroy's letter with another packet which I gave him for Your Lordship. The pictures I have, and shall send them over by the first of my Lord Jersey's household that comes over; I would have given them likewise to Burk, but they were too big for him to carry, for he went post. Your Lordship has always been so very kind to my affairs that I am sure you will pardon me mentioning them once more to you. My Lord Jersey upon a supposition that he is to be Secretary of State offers me a seat in his office; all that I can say in this thing is that with His Majesty's leave I would accept it, but my Lord Jersey plainly says that he neither can nor will stay long for his *commis;* so that if I am ordered to stay longer in France, that proposition is impossible.

"I have formerly said that, if His Majesty thinks it in the least for his service that I stay, I have no will but his command: but otherwise I know not where my small services will be more in their proper sphere than if I were in the office, and therefore I say by Mr. Mountagu's leave I would fain come home, and must beg Your Lordship to contribute to it, though by what I have written to Lord Manchester, Mr. Mountague and Mr. Secretary Vernon, I hope it is already determined that I either come hence with Lord Jersey or stay not long after him. I ask Your Lordship ten thousand pardons that I dare trouble you in this kind." *Copy.* (XII. 185–6.)

Richard Powys to Matthew Prior.

1699, April 10[–20]. Whitehall.—"On Saturday morning Mrs. Stepney went to wait on Mr. Chancellor to return her thanks for his favours to her brother. Amongst other things they fell into discourse relating to you, in which Mr. Chancellor said he found you were bent on returning home and depending upon my Lord Jersey, that he would not therefore press you to stay with my Lord Manchester, that he thought my Lord Manchester and he should be as able to take care of you as my Lord Jersey, that the most you could expect from my Lord Jersey was to be under him in the Secretaries' office, the

profits whereof are now very small, that he looked upon this as a degrading to you in the post you are in, and seeing my Lord Manchester is his relation he would not press you upon this subject, because you might look upon it as done out of respect to my Lord Manchester, without regard to your interest. Mrs. Stepney asked him if he would give her leave to acquaint me with what he had said, that I might take some notice of it to you, upon which he permitted her so to do.

"I will not pretend to give you any advice one way or other, you are the best ma[ster] of your own inclinations, and know what will be most for your own good. I have faithfully given you the account I received as near as I can remember. I could heartily wish for my own part to have the happiness of being near you here; but I must observe to you the profits of the Secretaries' office are sunk so low, that Mr. Ellis hath seriously protested to me he hath never made 500*l.* a year since he hath been in it. Add to this the uncertainty and changes that you have seen in that office. Nor do I see how you can refuse my Lord Manchester without losing Mr. Montague, who hath always been a sure friend to you, and will, I am confident, always have a very good interest with the King. If I have said more than I ought to have done upon this subject, you will forgive me when you know I have no interest but your service in it." (VIII. 415—17.)

James Vernon to Matthew Prior.

1699, April 10[–20]. Whitehall.—"I have your letter of the 15th, and see more of your impatience to be coming over with my Lord Jersey, which in some considerations I can't blame you for, and I heartily wish the obstacles to it were not so great. It is my humour to deal plainly and sincerely with all men, and I am sure that is best among friends; I should only prevaricate in the King's business. If I would seem to be persuaded that your staying for my Lord Manchester's arrival was of no consequence, perhaps some of that Lord's friends may dislike your impatience on his account, as desiring he might be assisted by one of your experience, and one can't blame them for it. But the consideration I have is that the interval between the two Ambassadors cannot, nor ought it to, be supplied but by yourself; this is so evident and even to you, who have your view turned another way, that I need not say more of it. How long you need stay after my Lord's arrival is not the present business, but I think my Lord ought to take one with him who should ease you as soon as is possible, and I believe it will be in my Lord Jersey's power to limit that time. Since, therefore, there is no intention of dividing you from your Lord, you need not be inquisitive what else is designed for making you amends. I told you in my last that what you had to do was to hasten my Lord Manchester's coming over, and to desire Mr. Montague that

he may carry a Secretary of the Embassy over with him. He has his eye upon one, who, I think, is so docile that you may quickly instruct him. I need not tell you it is Mr. Stanyan of this office, and as I must part with an useful man for the sake of the Embassy, I don't doubt but my Lord Jersey will be willing to expect one for a much shorter time.

"When you have taken a good resolution that is made a virtue or merit of necessity, you will write to Mr. Montague about the payment you expect, and you will soon see what a sacrifice obedience is." (V. 47.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, April 22. [N.S]. Paris.—"My Lord Neathsdale [Niths-dale] went from hence on Monday: before his going he had a private audience of King James, and (as I am informed) received a commission from him by which my Lord is made lieutenant of four counties in Scotland nearest his estate, my Lord having promised in the name of the gentlemen of these counties that they will be ready under his directions to obey at any time King James's order.

"One Morloy is, I hear, dispatched with letters from St. Germains for England. I have advised Mr. Secretary Vernon as much as I know of the place of his abode, and have written to Mackay at Dover to get him taken up, if possible.

"Nothing more occurs besides the common news which I take the boldness to send enclosed. I hope it is determined that I come back as soon as my Lord Manchester arrives here: Mr. Mountague may compliment me as handsomely as he pleases, but I will not begin the trade a fourth time except, I say, His Majesty commands me; and in that case, if it were to live in the Highlands of Scotland (which with respect to my Lord Selkirk's better judgment is not the happiest place upon earth), I should be very far from disputing it, or murmuring." *Copy.* (XII. 189.)

JAMES VERNON to MATTHEW PRIOR.

1699, April 17[–27]. Whitehall.—"I have received your letter of the 22nd, and am sorry the bare naming of Michaelmas should make you uneasy. I thought it could not have altered anything in your design of being with my Lord Jersey. If he has another opinion of it, and thinks you may be spared sooner from Paris, I have nothing to oppose against it. I must own my chief consideration was whether the King would be so well served if you came away and left the business in the hands of an unacquainted and untried secretary, but that my Lord Jersey will judge better of when he is here. It will be a matter within his province which I shall not meddle with after his arrival. In the mean-time I hope I may be excused for delivering my opinion freely according to the best of my understanding. If I thought you less useful there, I should be more indifferent in this point.

I did not mention Mr. Yard as if there were to be any competition between you, or as if it were any question who should be Secretary to the Lords Justices, which I am perfectly unconcerned in; but I may be allowed to know that a Secretary of State barely as such will have very little to do for either himself or his *commis* while the administration is in the hands of Justices, and there is no other time when their under-secretaries can be so well spared. What I have aimed at was to show how practicable I thought it that you might keep your dependence on my Lord Jersey and yet allow some time to the conveniency of the King's affairs there; but if my notions don't agree with other people's, I am not fond of them, and can be contented to see any other way taken.

"I have acquainted the Secretary of Scotland with my Lord Niddesdale's coming over, who had heard of his marriage and his resort to St. Germains. When he gets to Scotland, they may have something to say to him there. In the meantime, if he passes by Dover, I have taken care to have him searched; and if he brings any commissions or letters that I can take notice of, I will secure them and the person too, or otherwise I will leave him to the laws of his own country.

"The Secretary will order some of his people to make inquiry after Danes and Achtmooty, but Mackye tells me he hears they have been at Rouen for some time subsisting upon a small pension that is allowed them.

"Macky has received your letter here in town about Marly, and is going down to Dover to look after that and some other matters. When I hear he is gone by Dover, I shall make some inquiry about him in his other quarters." (V. 49.)

JAMES VERNON to MATTHEW PRIOR.

1699, April 24[–May 4]. Whitehall.—"I have your letter of the 19–29 to acknowledge. I saw my Lord Manchester to-day, who could give me no account how soon he should be ready for his journey; he said he had a letter from you by the last post, but you took no notice to him how much of your time you would give him, so that he did not know what he was to trust to. I told him what I thought your desires led you to, and presumed to give him my advice that he should consider whom he would choose to serve him in quality of Secretary of the Embassy, and propose him to the King, that he might be dispatched away to Paris; and when he had been some time with you, he would judge of the business that was to pass through his hands, and be able to satisfy His Lordship within what time after his arrival you might be spared. My Lord gave me little answer, but I find you two have such different views that I can't expect to please either of you, which is the common fate of arbitrators, especially if they act impartially. Upon my Lord Jersey's arrival my Lord Manchester will explain himself, and that is the properest time for it. In the meantime I have read your letter to the King, that he may know your submission to his pleasure.

"I have not seen my Lord Albemarle since I had your letter, nor is it very material to your purpose, for nothing will or ought to be resolved till my Lord Jersey's arrival, and what he thinks fit, I am confident, will be ordered.

"What you write of a young man is easy to be credited by the father's behaviour. I will endeavour to see what passes between him and his correspondent.

"You will remember what you writ to me the 11th of March about a paper you had seen. We have it now in print, but I can't yet learn who have been the dispersers of it, the discovery whereof must lead us to the printer and author." (V. 50.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, May 6. N.S. Paris.—"I have omitted troubling Your Lordship for some time past, having had nothing considerable to write; the same reason might still be good, the greatest news we have being that Madame de Maintenon has had a fever and the Dauphin a cold; King James has likewise been indisposed. Your Lordship is well enough acquainted with these people to know that they blow up the least sparkle of anything done in England, and draw the most unreasonable consequences imaginable from it. I had the honour to dine yesterday with the Count de Marsan; Mons. le Grand, my Governor, Tourville and the Marquis de Gevres were there; the questions they asked and the reasons they formed about the Duke of Ormond quitting his post in the Guards were very many and very wrong; and it is with great satisfaction that I find our letters, received to-day, tell us that affair is accommodated. From thence the discourse ran upon a subject which I ask Your Lordship's pardon that I dare mention; you will know that it was your not going to Newmarket; and here their reasonings were as just as they were in relation to the Duke of Ormond; and I hope I shall be able to give them a like account of there being nothing in their surmises and guesses; all that I will observe to Your Lordship is that Mons. le Grand and Count Marsan seemed (and I believe are) heartily your friends; I cannot say as much of my Governor.

"Mr. Cockburn brought me the other day a recommendatory letter from Your Lordship, which has and always shall have the power of a command to me.

"I have told Mr. Van Leuven that the pictures must come over with my Lord Jersey's goods; I dare not venture them otherways; the Prince de Condé says he will himself thank Your Lordship for the little plan you sent him.

"Your Lordship will know surest and soonest how my small affairs will be determined, and you will accordingly dispose of your commands to me; in all probability I am to stay in France till my Lord Manchester comes, but not long after." *Copy.* (XII. 195–7.)

ALEXANDER STANHOPE to MATTHEW PRIOR.

1699, May 8. [N.S.] Madrid.—Giving account of a tumult that took place at Madrid on the preceding April 28, as follows :—

"The Corregidor, Don Francisco de Vargas y Lezama, being in the Plaza Mayor about seven of the clock in the morning, a priest came to him and complained of the great want of bread, as at the same time did a poor woman, to whom he answered very imprudently, they might thank God it was not double the price, although it be now above as dear again as usual, and to the woman in particular who complained of a great charge of children he replied, rallying, it was her fault to let her husband get so many, upon which she threw a pair of pigeons she had in her hands in his face, calling him *cornudo* and *ladrón*, and immediately all the rabble pursued him throwing stones, and had certainly killed him, if he had not, as fast as his horse could run, secured himself in the *Casa de Ayuntamiento* or Guildhall ; so [he] came off only with a broken pate. The rabble marched out with great noise crying out, '*Viva el Rey y muera el Conde de Oropesa, el Almirante y el Corregidor!*' with this noise entering into the courts of the Palace, and up the King's apartments, crying out, 'Bread, bread!' and 'we will have Ronquillo for our Corregidor.' His Majesty, hearing this noise, asked what the matter was ; at first they told him nothing but some idle boys ; but the disorder increasing, and it being impossible to dissemble the matter any longer, [they] told him it was a tumult of the people, who, wanting bread in the Plaza, came crying out to His Majesty to remedy it. The King bid the Conde de Benavente go and give them some money to quiet them, which he having attempted in vain returned to His Majesty, saying nothing would satisfy them but to have Don Francisco Ronquillo for their Corregidor again, as he had been three or fours years before, and then they had bread enough and wanted nothing. The King, looking out at the window and seeing more and more trooping together every minute, ordered that Ronquillo should be immediately sworn in the office of Corregidor ; and the Conde de Benavente went immediately to fetch him from the *Consejo de Hazienda* [Council of Revenue], where he was then sitting, and brought him with him to the Royal Council of Castile, attended by the rabble, shouting, '*Viva Ronquillo, Viva Ronquillo!*' Being come into the King's presence, he begged His Majesty would excuse him from accepting the employment, alleging that, though his zeal was great for His Majesty's service and the public, he had so many superiors to hinder him from expressing it as he desired, that it could have no effect. To which the King replied, commanding him to accept it, as he desired, for the pacifying the tumult upon his own conditions, independent upon the Royal Council or any other superior whatsoever to control him. Upon this order he went down to the

said Council to take his oath, and the people, thinking it long in doing, came with great fierceness to the Council door, beating at it with their feet and throwing great stones, and some also in at the windows, repeating their former cry, 'Let Ronquillo come, we will have him for our Corregidor!' The Council were quickened to dispatch him by the melancholy account that another body of the mob were burning the Conde de Oropesa's house, and that, if Ronquillo did not appear immediately, there would be no saving it. He then came out as Corregidor, with *vara*, or white staff, in his hand, and mounting on horseback, went from the Palace, attended by the crowd, crying out all the way, '*Viva el Rey, Victor Ronquillo!*' and although by this pretence the fury was something abated, yet they soon began again to tear down the iron grates before the windows; some of them they got down, and about fifteen of them rushing in, but without arms, as indeed most of them were, the Conde's servants, as is believed, killed them all, for they have never appeared since, and 'tis said the bodies were thrown into a well. Then, having secured the doors and windows, they fired out of the house among the rabble, and killed five or six, one reformed *alférez* [ensign], whose body his companions took up and carried immediately away to the Palace, and went with it as far as the top of the stairs leading to the King's lodgings before they were stopped, crying out, 'Justice, justice!' and demanding the heads of the Conde de Oropesa and Almirante. The Sacrament in this confusion was brought out from several churches, with processions of all the Orders of Friars with crucifixes in their hands and a crucifix placed in every window as a security to the house. These holy things quieted them for some time, yet still they continued together in the same place. Ronquillo then thinking to divide them and draw them off, said:—'*Hijos*, children, let us go to the Palace, and I will intercede with the King for your pardon.' Above five thousand followed him, and all this rabble, going with him into the great court of the Palace just under the King's window, roared out as before:—'*Viva el Rey, muera Oropesa*, let the King appear, let the King appear!' At this noise, the Queen came to the window, telling them, '*Hijos*, the King is asleep.' The rabble answered in a great rage:—'We do not believe it, for this is no time to sleep.' At last the Queen, finding their obstinacy to see the King, retired from the window weeping, and called His Majesty, who saluted them with his hat and a lower bow than ever he used to make before [and] said:—'*Hijos mios*, I have given to the Corregidor the orders you desire with absolute power to do whatsoever may conduce to your satisfaction,' and at the same time, addressing himself to the Corregidor, said:—'And to you, Don Francisco Ronquillo, I give all necessary power to do or undo whatsoever may be for the ease of my subjects'; and the people replying that they desired His Majesty's pardon, and that they might not be punished for this

tumult, the King answered them :—'I pardon you, nor shall you be punished either now or hereafter, of which I call God to witness,' at the same time wafting a handkerchief in the air, after which he saluted them with his hat as before, and retired from the window. That part that remained before Oropesa's house were still pressing to enter, demanding those fifteen of their company either dead or alive. Then the King's pardon was publicly proclaimed by the *alcaldes* [magistrates] for what was past, for all that would retire home, and severe chastisement threatened to their further disobedience; notwithstanding which they still continued making a great noise and throwing stones (for they had no other arms) at the doors and windows. About ten at night some soldiers, being got into the house as a guard, fired again upon the people, killing three and wounding many. The Conde de Oropesa, who was ill in bed with a fit of an ague when his house was first invested, with the assistance of the Marquis de Castel Rodrigo (the only *Grande* that came near him in this affliction), by breaking a hole through a wall into another house, found means to escape to the house of the *Inquisidor General*, as did also his lady and children; and before they could get ready to be gone, the rabble pressed so hard upon the house as they were like to force in, which is the excuse I hear was given for the firing that killed the *alférez* and the rest. All the Royal Council of Castile, and many of the *Grandes* stayed in the Palace all night; the Almirante upon the first noise of the tumult went from his house in a mean coach, with two mules and curtains drawn, by a private way to the Palace; nevertheless by some who knew him, was saluted with *gallina* [coward] and *traydor* [traitor]. The Cardinal of Toledo was at Toledo, he of Cordova went among the rabble, giving them ill words and threats when they were in their highest ferment; they pushed him from one to another, till a body of priests and friars got round him and carried him off. In the morning at four o'clock all appeared quiet near the Conde's house, the mob being separated of themselves and gone home, and about fifty reformed officers were placed in all the avenues near it." *Copy.* (XII. 206–12.)

The Earl of Portland to [Matthew Prior].

[1699,] May 1–11. Windsor.—"Je vous remercie, Monsieur, de vostre très agréable du 6me. La perte ne seroit pas grande quant deux des malades auroi[en]t pris le chemin de l'autre monde. Les gens veulent raisonner par tout et plus là où vous estes qu'ailleurs, je suis bien fâché d'y donner tant de sujet que celui de ma retraitte, mais il n'y a point de remède. Je vous asseure que par tout où je seray je seray vostre ami sincère, quoyqu' inutile. Je ne croyois pas que vostre Gouverneur ne fust pas de mes amis; pour les deux frères je croy qu'il le sont entièrement. Je ne croy pas que vous resterez longtemps en France après l'arrivée de Milord Manchester." (V. 51.)

MATTHEW PRIOR to [CHARLES] MONTAGUE.

[1699,] May 20. N.S. Paris.—"I am to acknowledge the kindness of your correspondence in the shape of a quarter on my ordinary and 750*l.* in part of my extraordinary. *I humbly thank your honor* is, you know, all the return I am capable of making. My Lord Jersey will, I presume, speak of my worship to you: if I come home as is designed, our project is to get something besides the seat in his office which may be permanent and atone for what I have at present in Ireland, which will certainly be taken from me unless I go thither, and to the effecting this I am sure you will be as glad to join, as my Lord to speak of it. I have a letter from Lord Manchester, whose commands I shall obey as I ought to do. The revolutions and changings of people's employments and circumstances in England make great part of the discourse of Europe. My Lord Portland's retiring is the present subject, which everybody excuses or blames as he thinks fit; I really have reason enough to be sorry for it.

"My friends in England have kindly married me to my Lady Falkland, and I am particularly obliged to the *Postboy*, who has printed it. I remember I jested with you once on that subject, but in truth never thought of it more than as a thing utterly impracticable. She is an old Troy that will not be taken in ten years, and though fifty strong fellows should get in to her by stratagem, they might e'en march out again at a large breach without being able to set her on fire, but one single sentinel as I am with a thin carcase and weak lungs might lie before her walls till I eat horse-hides and shoe-leather, unless you kindly sent me some refreshments from the Treasury." *Copy.* (XII. 204–5.)

MATTHEW PRIOR to MR. TALBOT.

[1699,] May 20. N.S. Paris.—"I am glad to tell you, dear Sir, that I am able in some measure to answer the honour of your commands; the enclosed are the best Greek types here from Robert Stephens; the same that the Greek Louvre impressions are of; and which are only disposed of by the King of France's own order. There is yet a middle letter between these two essays which I send, and a capital letter, better because bigger than the word Κωνσταντῖνος. I have advanced so far by the intercession of some friends here and particularly of Mons. Clément, sous-bibliothécaire du Roy, and the Abbé de Louvois, as to presume that Mons. Pontchartrain and the Archbishop of Reims will consent for the good of learning in general that we may have what we desire of these characters; and upon a price agreed on, and a person sent over from the University for this purpose the thing may succeed; but the conditions they reciprocally desire from us are, that in the preface of some volume which we shall first print we shall own the obligation with some encomium of gratitude, that we shall give them in books from England what we propose

to pay them in money for these types, and keep up a kind of communication with them *propter bonum ac commodum reipublicæ literariæ*, and that we shall give them the way of making that ink in which the essays upon Horace and Virgil which you sent me are printed. You will be pleased to lay this before the University, and to do me the favour to add that in this or anything they have an absolute power to command me, and that, if I may contribute anything towards the improving and promulging the learning that flourishes there, I shall esteem myself less unhappy for having truanted so long in the noise and business of the world; you must give me leave to add the particular respect and friendship with which I am, etc." *Copy.* (XII. 198–9.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, May 20. N.S. Paris.—"I am so dead-hearted, my Lord, with your letter of the 1st instant that I know not if I can write sense or no. If the great respect which I bear to Your Lordship has made me never yet to dare to touch upon one certain chord, whilst I only heard talk of the thing by the doubts and surmises of other people, the concern I am now in, since you speak of it yourself, gives me an assurance which otherwise I should not have taken, which is to hope that all will yet be reconciled, and that I may long see my protector and patron at Court: after the resolutions of your own prudence and the advice of your friends what one can say at this distance would be very impertinent, but I should think that the nearness and friendship, which has been so long between His Majesty and Your Lordship, should be divided by nothing but your deaths, and this his service and your real satisfaction seem equally to desire: 'il n'y a point de remède,' dites vous, mi Lord, mais grand Dieu! n'y en a-t-il point aux maux que nous faisons nous mêmes? I dare not philosophise upon this saying of Your Lordship, but in everything there is such a mixture of good and ill that we must take them together, and if my Lord Portland will not suffer a Court upon these conditions, what is to become of those who are obliged to follow it upon harder? Your own family and your friends, my Lord, ought not to be forgotten upon this occasion, and the *Que diroit-on?* in relation to His Majesty ought to be a consideration at a time when my Lord Portland has thoughts of leaving him. You must pardon me, my Lord, that I venture to talk thus, and attribute it to the sincere desire I have that your affairs should go right and happy; and if there is a little mixture of interest to myself in this desire at a time when I know not well what will become of me, you will likewise forgive that too, and believe me in this one truth that, however my poor affairs may suffer by this great stroke, or in what station soever you may be, if you should retire (which I hope God will yet avert), I shall always remain with unchangeable truth and respect, etc." *Copy.* (XII. 200–1.)

Lieutenant Mark Lynch.

1699, May 13[–23]. Paper headed :—The Information of Mark Lynch, Lieutenant of Foot in the Regiment of Albemarle, taken the 13th day of May, 1699."

Alleging that about five months ago at Paris he, Lynch, became acquainted with one Matthew Wall, an Irishman, captain of a privateer in the French service during the late war, who told him at the latter end of March last that there was an opportunity for them to make their fortunes by joining in a design of burning the English fleet at Portsmouth and Chatham; as Mons. Pontchartrain would give them 50,000 *livres* for doing it. They and one Winter, a Swede or a Dane, whom Lynch never saw, but who was said to have been Wall's lieutenant on the privateer, were to take a house or lodging in Portsmouth, where they would be in seaman's apparel, and make artificial fires, or brimstone sheets as Wall called them, to set the ships on fire at the first opportunity of the wind and dark nights. They were also to burn the store-houses where the sails and cables were kept.

Wall shewed him two alleged commissions from the Morocco Ambassador for burning and taking English ships. Lynch ends by proposing that he should return to France to secure these commissions and further information about Wall and Winter, and hasten their journey into England; and place himself in communication with the English Ambassador. (V. 55.)

[The Earl of Jersey] to Matthew Prior.

1699, May 15[–25]. Whitehall.—" It is very reasonable that you should have the maidenhead of the office, and you have it, for this is the first letter I write from thence; besides, whilst you are in France you are in my province, for Mr. Vernon will have it so. I have seen the Horse, but little passed between us, we are to meet to talk about the business. I have already prepared him for your coming hither, and I hope I shall get Mr. Stannion (Stanyan) away before him, though I do not expect that you should come till my Lord himself arrives. Mr. Vernon will send you directions about Mark Lynch; when you see him, pray endeavour to get out of his hands a paper that I wrote, in which I promise to see him safe into France; that being, he will want my paper no more.

" You will think of settling the best correspondence in France you can for the office against you come over. I wish you here, I assure you. I suppose my family will be here this night or to-morrow at furthest. It is impossible to imagine how unsettled I am, and how uneasy with my new employment." (V. 56.)

James Vernon to Matthew Prior.

1699, May 15[–25]. Whitehall.—" I gave you an account by last post of my Lord Jersey's arrival, he will now acquaint

you himself that he received the Seals on Saturday, and was sworn yesterday, and took his place at the Cabinet Council.

"You have heard the whole story of Mark Lynch who came over with my Lord Jersey. His Lordship brought him to me, and he gave me the information whereof I send you a copy, you will find his secret is neither more nor less than what Mons. Torcy was informed of and communicated to my Lord Jersey, and that Mons. Torcy may be satisfied he had no more to say, His Majesty thinks it fit that you show them this information. You will perceive by it that this man has been imposed on by Wall, who, I believe, has been guilty of more tricks of this nature, and by the description given of him perhaps you will remember to have seen him or heard of him in Holland. Wall seems to have made a practice of discovering plots and stratagems that were of his own framing, and therefore I can't but think him much more blameable than this poor deluded man, who still persuades himself that he was very cunning in diving into this mystery, and that he is entitled to great pretensions by it. One may judge of his abilities by his offering himself to go back to secure papers and commissions that are nowhere to be found, or if they were, it is a strong presumption in him to think he would be allowed to carry them on. On the other side we can do no less than suffer him to pursue his own windmills. It is not fit for him to stay here, and my Lord Jersey, as was reasonable, assured him of his liberty to return; he goes back with an imagination that he shall perform all he has undertaken, which might cost him dear, if there be not some consideration had of his weakness and simplicity; but that, I hope, you will manage in his behalf, that he be not undone by a bantering impostor. He will go away from hence in two or three days by the way of Dover; I will give him two or three lines to be delivered to you, and advise him to see you as soon as he can, that, when you have considered the circumstances of his case, you may think of some proper methods to prevent his ruin; but he must not be sent back hither, since we can do nothing either with him or for him.

"I believe my Lord Jersey will write to you to get from him a paper that my Lord gave him under his hand.

"I don't trouble you with news, for that, I suppose, you receive from your own office.

"I shall pay Mr. Powys the sum I told you of, out of which I suppose all disbursements will be discharged as well to Brocard as the rest.

"My Lord Jersey will take care of all these payments for the future, and I understand he will write to you about it." (V. 57.)

[The Earl of Jersey] to Matthew Prior.

1699, May 17[–27]. Whitehall.—"I have yours of the 20th and 23rd: do with my watch as you will, or keep it till

I see you. I believe my Lord Portland designs to quit everything by degrees; he is already without the key, but still meddles with business, which gives him occasion sometimes to see the King, who will not dispose of the key in hopes to get his old servant back. I am sorry for what you say of our friend, but it is a very nice point to speak to him of. I fear there is too much truth in it. I find the King is very willing to have you come home, and I shall do what I can to dispatch Mr. Stannion to receive your instructions, though you must stay till my Lord Ambassador comes to relieve you. He says he makes what haste he can; he makes all his equipage here, which will have *l'air Anglois* undoubtedly. He told me that Mr. Montague would take care of your money concerns upon the receipt of your last letter. I wish everybody may do what I think will bring you over, for was I not Secretary, I should not be less glad to see you than I am. Mr. Lynch will ask you some subsistance upon my account; you may give him something, for I would not have him complain of me, and I suppose he will soon be taken out of your hands by Mons. Torcy.

"The sell almoniak [*sic*] and the drops which you receive, pray divide them in three equal parts and give to Mons. Tambenau, Mons. Villequer and Comte D'Evreux with my compliments to them. The family is just now arrived; il ne manque que vous.

"Pray remember the passport that Gardie wrote to you for.

"Pray make my compliment to Marquis St. Maurice." (V. 59.)

Matthew Prior to the Earl of Jersey.

1699, May 27. [N.S.] Paris.—"I was yesterday at Court performing the first acts of my Interregnum Ministry. Upon my alleging that the *réclameurs* of the English sloop sold *en Bretagne* had written to me again upon that subject, Mons. de Torcy assured me that the Court had written as effectually as they could to the *Procureur du Parlement de Bretagne*, that the *réclameurs* might have justice. This justice being rendered, if Mr. Seward and the others interested find any contravention in the judgment against the formal *statuts* and rules by which the *Parlement* proceeds in these cases, they may appeal to the *Conseil Royal* for a *cassation* of that sentence; of this I inform Mr. Seward very mildly. Mons. de Torcy has not ordered the taking up the two murderers, though the advice you gave him seemed particular enough.

"The next affair was that of Cooper. I had communicated to him the substance of Mons. de Marillac's letter to Mons. de Pontchartrain that, if any articles in Cooper's case were not thought to be sufficiently terminated by the *juges* that liquidated the whole, Mons. de Marillac would give Mons. de Pontchartrain the reason of what was done in every particular.

Cooper accordingly brought me yesterday an extract of the articles which he thought not fairly judged, which extract I gave to Mons. de Torsi, who will refer the consideration of it to Mons. de Pontchartrain, and the answer, which, I believe, will not be much more than what is already accorded, is the ultimate help he can give Cooper in this affair.

"Le Bas' pretensions are downright refused. Mons. de Torsy took occasion to tell me so in plainer terms than he had ever mentioned it to Your Excellency.

"For the seven last *galériens* for which you asked liberty, *néant*. They have deserted or are condemned for life (a good deal of which is true), and the King says he will release no more of these poor people. Mons. de Torcy will send your books to me as soon as they are bound.

"I am closeted and catechized about my Lord Portland's retreat by all the world from Mons. le Prince down to Callières. Thursday's letters are not yet arrived, they will tell us if my Lord designs to quit or no. Pomponne says the business will be yet accommodated, but this is Tallard's tattle.

"Let no man for the future value himself for having civilities showed him by this Court. Count Kniphuysen had on Sunday an order for the waters of Marly to play for him, Catinat was to wait on him and Breteuil, the house was open,chocolate and wine for his followers, and the same profusion of respect and tulips as the last year for my Lord Portland.

"This mighty civility is shewed to the Count for his being of Groningue, which province is not so well with the others, in so little things do these people shew themselves. The Count designs to go for England; pray remember he has been at St. Germains, and use him accordingly. I write to you as Secretary of State by way of prophecy as my Lord Arlington's picture pointed to the star.

"Puggies have communicated their compassion upon my account to their brother, and he has written a wise saucy letter in which he tells me in all circumstances he will be my friend. Lord, how mad I am with all the family! 'tis time not to detain you longer when one talks of these things." *Copy.* (XII. 214–17.)

MATTHEW PRIOR to the EARL OF JERSEY.

1699, May 30. [N.S.] Paris.—"Mr. Yard of the 11th tells me you are safely arrived at Windsor, and Mr. Vernon that the Seals wait for you at Kensington; we expect Monday's letters to-day, which may tell us more.

"*Swager* [brother-in-law, *i.e.*, Portland], they say, will after all take consideration in his anger and be over persuaded to vex the King longer, as they think fitting.

"I have nothing worth troubling you with from hence; little *Gouverné* is parted from this town, in order to let the little children see him for nothing in England, and unfortunate Count Roussy has lost at Marli eleven hundred and sixty *louis d'or*.

"Bridgeman has done shaking his head in this world; Southwel, who was Clerk of the Council Extraordinary, succeeds as Ordinary; Vernon's son, green and gold, remains still an Extraordinary, and there may be a Povey, for ought I know, likewise Extraordinary. However the thing is 400*l.* a year and may be a certainty when more transitory honours pass. If you think it proper, you will (I am sure) ask it; may be you may rather secure me against Puggies' pity by making me such a thing as their brother is, and I would serve as an honorary in that commission till an advantage fell.

"Do as you please, the rule of my ambition shall be what you think proper.

"You have left an odour behind you that is very agreeable to my nostrils, and people talk so of your magnificence and economy that when you are a duke, it shall be put into your patent. Pizani buys six pounds of beef per day and one leg of mutton; the Marais is all up in arms, and the butcher will not serve him. I told Montdesert that they need not have made such a noise about the dresser-boards for that (as I heard) His Excellency had no great occasion for them. Good again! Adieu! my . . . Lord, as little Dick would have said. May all your affairs go as well as I wish them. I have not one word from Lord Manchester."

Postscript.—"I had forgot to tell you that my widow was scandalized at her being married to me by all the Gazettes in Europe.* She is gone for England rude as a bear, and mad as hot weather can make her." *Copy.* (XII. 220–7.)

[The Earl of Jersey] to Matthew Prior.

1699, May 22[–June 1]. Whitehall.—"I have received yours of the 27th. I need not renew to you any directions about what was demanded before I came away. I know you will continue asking till you either obtain or have a flat denial, but I think you may very well press the taking up the two murderers, for it is really a shame to let a crime of that nature go so unpunished. My Lord Portland is gone to Windsor; he resolves never to take any employment, but to serve the King whenever His Majesty thinks fit; and hitherto he acts in business as usual, though I cannot think it will last long so. As yet both master and man think it will, but in my opinion—*n'en déplaise à Mr. P.*—this way of proceeding must create a coolness which will end in an entire separation. The King intends to go for Holland Friday sennight.

"My Lord Tankerville has refused to be in the Admiralty, and the King this moment is endeavouring to get my Lord Bridgewater to be at the head of that Commission.

"I think I told you before that the King was very willing you should come home. I do not find that your friend Mr. Montague is against it. I hope you will find friends enough here not to repent the doing it. Mr. Stanion is dispatching, but I believe my Lord Ambassador moves more slowly. He

* *Cf.* p. 342, *supra.*

talks a great deal, but concludes nothing. I believe I shall be a Governor, and shall pass my time this summer in Hyde Park: if you can come away before the warm weather leaves us, I will make hard shift rather than have you in town in summer: I believe John is writing below, but what God knows, for business here is little or none; if there was less, I should not be sorry, for upon my word my new employment does not elevate me, though, I believe, it vexes others.

"Pray let me know in what forwardness my looking-glass is. I thought Comte Kniphuysen had been long enough in France to be better known than I find he is. I long to have the swager [Portland] know how he has been entertained; we have dined with Prince Miremont to-day. If such things often happen I shall get the gout." (V. 61.)

The Earl of Portland to Matthew Prior.

[1699,] May 22[–June 1]. Windsor.—"J'ai bien receu, Monsieur, vos très agréables lettres, particulièrement celle du 20. Je vous crois si fort de mes amis qui je suis entièrement persuadé que tout ce que vous me dittes part du fonds de vostre cœur, ce qui m'oblige de vous répéter que je suis entiêrement le vostre. Ce que je viens de faire estoit résolu longtemps devant que d'aller en France; cependant vous estes témoing de la manière dont j'ai servi le Roy; je feray de mesme tant que le bon Dieu me laissera la vie, et si l'honneur qui doit nous estre la chose la plus chère dans ce monde ici, m'a obligé de sacrifier mes intérêts et de prendre ce parti de changer ma condition, cela ne changera pas mon cœur. J'ay trop longtemps servi le Roy et sa bonne cause, et aymé l'un et l'autre, et dans l'estat où je seray, je continueray tousjours dans les mesmes sentiments, considérant que les changements qui arrivent à mes affaires sont les effects de la seule chose en quoy le monde ne change pas, car il a esté sujet a l'inconstance depuis sa création. Pourquoi prétendrois je qu'il fust constant uniquement à mon esgart? De tous ces discours que vous avez entendu dire, et des raisons ou prétextes que j'aurois pris pour me retirer, il n'en est pas un mot de vray; il ne c'est [*sic*] rien passé depuis que je vous ay veu, qui m'aye obligé de quitter; je puis dire que le Roy en est véritablement fâché, et cependant si vous pouviez sçavoir touttes mes circumstances, vous conviendriez avec moy que j'ay eu raison. C'est tout ce que je puis vous dire; je vous prie d'avoir soin de justifier le Roy, qui ne m'a pas obligé de quitter, ni disgracié, mais que ce n'est que mon propre choix, et je vous conjure de ne vous pas montrer ami de la Fortune, mais de me continuer tousjours les mesmes sentiments que vous m'avez témoigné si souvent, et soyez asseuré que partout où je seray, mesme dans la plus profonde retraitte, vous y trouveriez un ami, inutile peut-estre, mais fort sincère.

Postscript.—"Vous aurez esté surpris d'apprendre la mort de Mylord Westmorland, qui est beaucoup regretté." (V. 62.)

J. Sw[inford ?] to Matthew Prior.

1699, May 22[–June 1]. London.—"I have yours of the 27th inst. [N.S.]. Mr. Cull tells me he has delivered the box to Sir William Trumbull's housekeeper, who has sent it into the country to him. Madame Nancre's gown has likewise been given to Monsieur Payzant, as it was directed, who will take care to deliver it to Madame La Varenne. Président de Mesme's watch is with Quare, and will be done in a fortnight, when I shall send it by Mr. Stanyan, who says that he will be ready to go by that time; he asked me about your coach and horses. I told him that they are very fit for him. I suppose he will write to you about it this post. As to Mrs. Skinner's lace, it is at last found; but Allen, the messenger, has been a great blockhead, for he delivered the packet to the master of the packet-boat, and he to the postmaster at Dover, and it not being in the mail, they at the post-house here examined it very closely, and broke it open and brought it to Mr. Hopkins, to whom it was directed, with a reproof for receiving such packets under his cover. He protested that he did not know from whom it came, nor desired to know; and so it lay by him till I enquired after [it]. You will please to make an excuse to Mr. Hopkins.

"I delivered the tobacco-box to my Lord Dorset; he is very well and longs to see you.

"My Lord Portland is still at Windsor, He was summoned to the Cabinet Council last night but did not come; it is said he will soon go for Holland. He has only given up the key, which is not yet disposed of; the rest of the places he keeps as yet, good reason why. Some say that the King will endeavour to make him take the key again, which we shall soon see. The other [Albemarle] is very great and more than ever. Our Lord [Jersey] is very well in favour, and so all will go well; he told me this morning in presence of Yard to bring my escritoire to the office, and Rowley and I are to be in one room, and this is all he told me.

"I received but this afternoon the stuff for Comte Frise's coat; the silk for the waistcoat I shall have to-morrow, when I will deliver it to him with the toothpick-case. The captain was forced to tell the Custom-house officers that it was for himself.

"You will do very well to order Mr. Powys to pay the money upon the note I have from you, for your creditors begin to dun me.

"I suppose you will be sorry to hear my Lord Westmorland died last Friday night." (V. 65.)

Matthew Prior to the Earl of Jersey.

1699, June 3. [N.S.] Paris.—"On Monday night I caught Mons. Pomponne alone at Versailles, the Court being at Marli. I gave him M[ark] L[ynch]'s information as I had translated it into French, and written it over in my own hand. I told

him what had passed upon L[ynch]'s subject in England, that I would inform him when L[ynch] returned, who would, as I thought, apply himself to me, and that they might do with him as they thought proper. Pomponne says, having read the deposition, that it was just the same thing as L[ynch] had said already here, that he would ask the King's pleasure about him, and speak to me again about it.

"Mons. de Pomponne had not known before that your province was the south; *il en étoit fort ravi, car assurément les choses iront bien qui passeront entre les mains d'un si parfaitement honnête homme que Milord Jersey;* but for my Lord Portland he is, as you know they all are, *au désespoir.*

"I have the honour of yours of the 17th O.S. I do not forget the passport; but there was some religion in the case that hindered the King's signing or ordering the signing it on Sunday. I am promised it for to-day, and will send it as soon as I receive it.

"I have the Sal Almoniac and drops, which I distribute as your orders and your friends' vapours require; these people have imaginary ills, but my poor Lady Sandwich has a real one, which is a continual fever and so bad a one as that her life is in danger. The ablest physicians here were yesterday in consultation with Morelli about her, and as far as I hear this morning, there is more fear than hopes of her life.

"My widow is run away like Medea in *Thésée* in great violence and heat; a week's solitude (before she sees London), as her own fountains, may cool her.

"Mons. St. Maurice is much your servant; the man has more sense than all this nation. What I wrote to you last post about being clerk of the Council was, I see, pure speculation and like those houses one sometimes builds without ever removing one stone, for brother Stanyan has it, so I have only to beg your pardon for having troubled you with an impertinence. Stanyan thinks it reasonable that he should be assured of an employment at home before he condescends to relieve me. Yard thinks it madness for me to return till towards Michaelmas, because he may be Secretary of the Regents in the meantime; and Stepney has a thousand pounds a year at home for playing at one-and-thirty-bone-ace with the Electress at Berlin, and wonders what makes me think of going into England at all. This is the world, and makes one laugh; but whilst I have the honour to be *de la famille*, I am infinitely satisfied, and it is the blessing of my life that they cannot dispute the justice I have to be, more than any man alive, your servant."

Postscript.—"I hear not one word more of Lord Manchester more than what you are pleased to tell me. I think he takes no more care to come to his Embassy than hocus-pocus* to return from his. His John Trotts in green liveries not fit for them will never do here, but let him look to that. I wish His

* John Methuen, recently appointed Lord Chancellor of Ireland. *Cf.*, pp. 80-1, 82, 110, *supra*, and Jersey's letter of Aug. 15[-25], 1699, p. 375, *infra*.

Excellency well and soon here. Mr. Mountagu has had mercy on me, but must have more.

"Enclosed you have one of the medals which the Jacobites are shortly to have in England. There is nothing stirring amongst them here worth sending." *Copy.* (XII. 224–7.)

[The Earl of Jersey] to Matthew Prior.

1699, May 25[–June 4]. Whitehall.—"I have had so little time hitherto that I have not told you how I like being here, and I will put it off a little longer till I am more at leisure. The King goes to-morrow sennight for Holland; according to the usual custom there will be some changes. The Admiralty is already settled: my Lord Bridgewater, Sir Robert Rich, Sir George Rooke, Lord Haversham and Sir David Mitchel. These five compose the commission, which before was of seven. My Lord Tankerville, I believe, will be of the Treasury under your friend. I said nothing last post of poor Lord Westmorland, but I am sure you know how much I am concerned for him. Lord Portland has been in town; he saw the French Ambassador, gave an account of his negotiation to the King, and is returned to his lodge at Windsor. I wonder I had no letter from you last post, methinks you should not plead the having nothing to say. I must mind you again of the passport that Gardie wrote to you for from Calais. *Mes complimens je vous prie à Mons. Vryberg*, and to others, if you think they deserve it. I am what I have been since first I knew you."

Postscript.—"I am mightily at a loss, Gaugain being gone to his pupil in Holland; pray give me your advice upon that matter." (V. 66.)

James Vernon to Matthew Prior.

1699, May 29[–June 8]. Whitehall.—"Your letters of the 30th of May and 3rd of June arrived yesterday. I suppose you have seen L[yn]ch by this time, and that he himself is sensible how he has been imposed on. He will give you the best description of Wall and where he may be met with, if you have a mind to renew your acquaintance. By the account he gives of him it should be the same you have seen in Holland.

"You will have an account from other hands that Mr. Stanyon is making himself ready for his journey. I wish my Lord Manchester may give you the same satisfaction in his diligence. Now I have parted with all I can to accommodate you, and have no longer the care of the province on my hands, I have no more to do but to wish you here." (V. 67.)

Matthew Prior to the Earl of Portland.

1699, June 10. N.S. Paris.—"The great respect which I always have had and shall always continue to have for Your

Lordship was the reason that I durst not trouble you upon a subject of which only your own prudence is the proper judge; and what I have ventured to say of it was from my wishing well to His Majesty's service in general and to Your Lordship's affairs in particular, and my desire that everything might go to your satisfaction, which I pray most heartily may be yet effected, and that is all I can possibly contribute to it.

"Mons. le Grand is at Royaumont. I make Your Lordship's compliment to Count Marsan, who is, I think, very heartily your friend.

"My Governor has very wild notions which no reasoning will drive out of a head of 60.

"I was yesterday at Court; there was no manner of news. I went afterwards to St. Cloud.

"Monsieur asked very kindly concerning you; he says, *tout cela se raccommodera;* I told him I wished with all my heart it might do so, but that I had reason to fear it from Your Lordship's last letters; my Lady Portsmouth is at St. Cloud for four days; I have given her the letter.

"I confess I had rather hear Your Lordship talk of Admirals and Chamberlains than of the dearness of grain and the scarcity of corn; one may plant and sow, my Lord, when one is good for nothing else, and I had rather have seen you cultivate men by your orders and see them promoted under your protection than know you have the best gardener and the finest fruit and flowers in Christendom." *Copy.* (XII. 238–9.)

[The Earl of Jersey] to Matthew Prior.

[1699, June 1–11.] Whitehall.—"The King goes away this evening by reason of the heats, or to-morrow morning, and it is easily to imagine the hurry I am in. I go with the King to Margate; when I am come back, I will write to you more at leisure of everything. The Commission of Ireland is changed: Duke of Bolton, Earl of Berkeley and Earl Galloway are of it, what will become of you I know not; as to your concerns in that kingdom you may be sure I shall watch your interest there and everywhere that I can. Your Ambassador I find has a mind to saunter here a little longer, though I shall press his going as much as I can. The King has given him 3,000*l.* extraordinary for his equipage. The *beau* Stanion, I believe, will quickly be with you. I know not if I have acknowledged yours of the 30th of May, and 3rd and 6th of June.

"My Lord Portland is in town; that *entre deux*, as you say, I think cannot last. I am really very glad that Lady Sandwich is better. Since I am here I think her more in the right as to many things than ever; *on n'est guère poli ici, je vous assure, mais que faire!* Pray make my excuse to Mons. St. Maurice for not answering his letter; this hurry will not last always. I am faithfully yours." (V. 68.)

JAMES VERNON to MATTHEW PRIOR.

1699, June 5 [-15]. Whitehall.—"I have your letter of the 10th inst. to acknowledge, and can't but wish that M[ark] L[ynch] may come off with being laughed at. Easiness and credulity seem to have been his greatest faults, and his intentions were rather to prevent mischief than to join in it. His hopes to make a fortune by it are certainly more pardonable than Wall's impudence, who pretends to recommend himself by making a jest of both nations." (V. 69.)

[The EARL OF JERSEY] to MATTHEW PRIOR.

1699, June 5[-15]. Whitehall.—"Stanyon is dispatched everywhere, and as I am told will set forward next Saturday. My Lord Manchester talks of doing the same the end of the month, but I scarce believe it, for he seems much embarrassed with this great affair. I have orders to press him, which I shall not fail to do. I do not wonder at his endeavouring to persuade you to stay where you are; though we both desire to have you, I doubt if it proceeds from the same motive. But to be more particular in what relates to you, I will first tell you that I cannot disagree with those of your friends who think that the employment you have gives you a title to something better than a desk to write at in the office; but on the other side I cannot think that it is for your interest to stay abroad unless you ambition an envoyship to some *petit-prince*, which you may as easily obtain from hence. But if you desire to be settled at home, I know no so sure way as the first getting hither. The King is willing you should come; and be assured that you shall be very welcome to me; I wish it may be always as much your interest as it is my inclination that we may never part. I have spoke to my Lord Berkeley to secure you your office in Ireland till the King has done something for you here; he will be your friend. The Duke of Bolton, though in the Commission, does not think of returning very quickly, nor will not be much pressed to it; I do not doubt but he may be made your friend if there is occasion for it, so that I think we have two to one of our side. I say all this because I heard at my first coming that the Justices had said that the business could not be done with one secretary, but that was perhaps in order to say that the three Justices should likewise reside. Since I am no more in the Commission, and the Duke desirous to saunter here, I suppose all this will be at an end. Now that I have told what relates to yourself, be assured that I shall be watchful in everything that relates to you. Your widow is got to her retirement very angry, I am told, at the report of her marrying; she was very ill at Dover, but the proverb will save her. I hope my Lady Sandwich is quite recovered. At Paris I did not think I was so much her humble servant as I find I really am, but one never knows a happiness till one misses it. Pray persuade her to come home, but only because it is home. I promised her to

talk of Paris to her, and I shall very faithfully keep my word with her. My Lord Portland stays here till a yacht returns from Holland for him. I am glad that France begins to be a little reasonable upon his subject; to do him justice, they cannot be too much so; as for the Maréchal your friend, let him still ask questions and be never the wiser. I always thought Brown mad, but why he is at Calais I cannot tell; I never saw him since we parted at Chantilly; Mr. Swinfort writes to him to go to Paris. The Horse* nor his man must not be too much trusted with the faithful, but of that when I have another way of writing, for I know not if Brown is still at Calais. I will write what I think you can hear from the office, but nobody can tell you how much I am yours." (V. 70.)

[The Earl of Jersey] to Matthew Prior.

1699, June 8[–18]. Whitehall.—"Now that the King is absent, I hope there will happen little news to send. Tranquillity is what everybody desires till Parliament, and then it cannot be expected. I will write to you by Mr. Stanyon about the faithful.

"I have heard nothing about my Lord Ambassador since the King went; you know that now appointments run on. My Lord Portland and the French Ambassador stay here for the return of the yachts to convey them to Holland. The French Ambassador has demanded one Girard Bedford, prisoner in Newgate; I am to tell him that he shall be released provided they will release Peter Peraut, who[m] we have formerly asked without success; but he has a poor wife here who moves compassion, and I should be very glad if they would allow of this exchange. If you should have forgot the case, the enclosed paper will inform you, but may be it will not be proper for you to move in it till you hear that Mons. Tallard has wrote about it.

"I do not expect to be much in the mind of people in France, but I would not have Mons. Torci forget me till he sends me the books. *Je voudrois que vous me commandies une paire de seaux d'argent de la valeur de* 1600 *ou* 1700 *francs d'un autre façon que ceux de Mons. de Breteuil, mais faits par le même homme Balain.*

"I go this evening to lie at my lodge to be out of the dust. I am sorry I cannot have your company there." (V. 74.)

Matthew Prior to the Earl of Jersey.

1699, June 20. [N.S.] Paris.—"The post comes in now so regularly that one always receives Monday's letters on Saturday mornings about an hour before the post goes away again. It is so with me this moment, I receive the favour of yours of the 5–15 and am glad by it to hear that Your

* A cipher name, standing apparently for Lord Manchester. *Cf.* pp. 356-7, 362, 369, *infra.*

Lordship has received all mine. I grow very peevish with my friend's sentiments, envoyships, strange stuff, to go hern-hawking with a Duke of Zell or succeed Stepney when he is weary of soliciting for Dankleman's pardon. I will live with you, my Lord, with a desk, or without one. I lived with you at The Hague, I returned with you into England, I was to have gone with you into Ireland, I stayed for you in France, I long to come to you in England, and I will never go from thence till you send me. My obligations to you are unspeakable, and so is my zeal for your service. What would people have ? This is my case, I will print it, and shew it to mankind, and I will be happy in receiving your commands, whether they will or no. So the Horse need not neigh any longer or his man be discreet in a coffee-house (as I hear he is) upon that subject. Your speaking about my Irish affair, and endeavouring to settle it to my advantage is but an ordinary effect of your goodness to me, and what I am convinced of by ten thousand instances ; but your writing two pages to me so particularly about it is what I could not expect even from you. I dare not be eloquent upon this subject, I know you would presently say, ' O good Mr. Prior, no compliments ! ' but you cannot forbid me thinking of it as I ought to do, for all the absolute power you have over me. *Parlons d'autres choses.*

" My Lady Sandwich is out of danger, but looks thin and has so many abbés about her that to answer their fine nonsense exhausts her spirits, and will give her (literally, as the widow says) a relapse. My Lord is eclipsed for this five days past, but this is a great secret, they always say he is rid out or gone a-hunting, but we think he is gone privately to England for coin, and that, if he had not done so, his honour would have been in the same circumstances with Davenant ; 'tis incredible to think what these people have run out, or what a dog the Abbé du Bois has been to them. Madame Ficquett had her beautiful head struck off yesterday, and has done me the favour to make half my news' letter this morning. I had not the heart after all to see the execution, but those who had said no heroine ever died with such resolution. She underwent the tortures without confessing of her lover, though everybody thinks he was concerned in the thing. She was not bound upon the scaffold, she tied up her own hair, and would let the executioner touch her no otherwise than just to cut down her waistcoat, that he might separate her head with more ease. She had one stroke that cut her head about half off, and tumbled her along, and the fellow gave her seven blows when she was down. These are great particularities, my Lord, and good instances of my diligence in informing myself of what passes in my province. Farewell, my Lord, my affairs can never go wrong, whilst you continue me the favour to be absolutely your servant." *Copy.* (XII. 255–8.)

[The Earl of Jersey] to Matthew Prior.

1699, June 12[–22]. Whitehall.—"I have received your letters of the 13th and 19th June. I have sent to inquire after Wallis, and when I know where he is, I know not what to do with him.

"The Commission for Ireland could not agree with one of the same nature for England, and Secretary at the same time. To have taken the power out of Crop's* hands would have made too great a change at present in that Government. I do not believe he will be able to hold it long if the Parliament here is not diverted by something nearer to us, but that shall not be my concern provided the whole goes well. I am glad you have writ to the little Duke and Earl Berkeley. I hope your affairs in Ireland will continue as they are till something here is found for you that you may depend on as a settlement, that Puggies may pity you no more.

"My Lord Manchester says he will certainly go the first week in July, how he will answer all your Maréchal's questions God knows. Mr. Stanyon goes to-morrow, he is to be the bearer of this. I know little more of him than his figure, and that, I suppose, will please the ladies. I think that you had not best trust him with all the faithful at first since I am to pay them, and that you can find any other way of corresponding with them. I suppose you intend to turn old Jannison over to my Lord Manchester. If you can engage him to write to you when anything of consequence occurs, well, he shall be considered for it. I think you have two more of the faithful; the best of them keep to yourself, and settle a correspondence with him either by Mr. Stanyon or any other way, if you can find one that would be better; the other faithful I think you should discover to Mr. Stanyon, when you have known him a little while and that you see he is fit to be trusted; but now that I have told my opinion, you know I leave the management of this to you, only pray take care to settle some good correspondence, that one may not be wholly ignorant of matters there. I fear that, when you are come away, we shall never hear from Comte St. Maurice, at least not anything of moment. I wish you could engage him in a correspondence, but you must have a care of what you propose to him, for he is a man of honour and I fear will not be a spy, though he is dissatisfied where he is. I hope by this time you are got rid of Lynch, for at long run we know what is to be his fate, and in the meantime it is so much money thrown away. Master is come from Cambridge to see us; I am in the greatest pain about him in the world; I am sorry he ever went thither, and I know so little what to do with him, that at present he must return thither. I have already writ to you about this business, which is a very great burden to me, and am impatient to have your advice on it. He improves so little, or rather loses his time, where he is, that I have some thoughts of sending him the latter

*A cipher name standing apparently for the Duke of Bolton. *Cf.* pp. 369, 375-6, *infra*.

end of the summer to Geneva with Mons. Girard till some better body can be found to send to him, which, I think, is not likely to be unless Lord Strange comes home, or that Gaugene can or will disengage himself. I cannot tell what to say to my picture, but that scarf, elbow-chair, *portefeuille*, and scrivener's shop is such a *mélange* that I should never have thought of. I love things more simple, and would have been contented to have leant upon a table, but do not be uneasy at what I say, for I think, as you do, that if he alter it, he will make it worse.

"I have had a letter from Breteuil, but what is worse I must answer it when I have leisure. A Secretary of State makes friends in France and enemies here, that is the difference; and was it not as you say, *il faut passer par là*, it would be impossible to endure it. I know not if France makes any return to me or not, but I own to you that I like it much better than I dare own.

"Your widow is come, and I believe has ventured her pretty person in the dust of London, for I hear that some of the women have seen her. She says my Lady Jersey is not dressed in the fashion, but 'I am right,' she cries, meaning her own person. Pray desire my Lady Sandwich to make haste over to befriend my Lady Jersey, for your widow says she has neither *mantoue* [*sic*], petticoat, *commode*, nor anything in fashion. Judge what a mortification that is for a lady so newly come from France.

"Pray thank Mons. Tamboneau for remembering us and everybody else that gives you the trouble by such an inquiry. If you find that Comte Marsan will not think it too great a freedom in me, I would send him sack by the Ambassador, but you must enquire this out with a *politesse française*." (V. 75.)

Lord Galway to Matthew Prior.

1699, June 13–23. Au Château de Dublin.—"Depuis que nous avons su que nous ne devions plus espérer de vous voir ici, et que vous étiez destiné, en quittant la France, à venir servir le Roy, dans l'office de Mylord Jersey, nous nous sommes cru obligez de pourvoir au poste, que vous deviez remplir en ce pays, et nous avons jugé que nous ne pouvions mieux jetter les yeux que sur Mr. May, qui en a si bien fait les fonctions en votre absence. Je vous assure, Monsieur, que c'est avec beaucoup de regret que je me vois privé du plaisir, et du secours, que je m'étois promis, quand nous vous aurions auprès de nous; mais j'espère au moins que nous entretiendrons correspondence." *Signed.*

Endorsed by Prior:—"My Lord Gallway's sentencing letter, acknowledged the 1–11 July, 1699." (V. 78.)

Matthew Prior to the Earl of Jersey.

1699, June 24. [N.S.] Paris.—"I am so afraid that these people break open my letters, and so desirous to get rid of

Mr. Brown that I take this occasion to send him away and to speak to you freely of our affairs here.

"First as to Marc Lynch; the man was with me on Saturday night, he said that the Tuesday before, which was yesterday sennight, he was at Versailles with Wall, that Wall did there speak with Mons. de Torcy above stairs in his own apartment, by the same token that Mons. de Heemskirk dined that day with Mons. de Torcy, and that Mons. de Torcy spoke with Wall just as he rose from dinner, that Wall spoke with Mons. de Pomponne that same day in the apartment below, and that Wall said to Lynch that the subject of his discourse with each of these Ministers was to concert the affair which Lynch has already declared, but that he [Lynch] knew this only from Wall's having told him so; that Wall had an audience the next morning of Mons. de Pontchartrain, and that Pontchartrain had ordered Wall to come as [on] Friday last to his house of Pontchartrain, where he might discourse matters more fully with him. Lynch added that he would go with Wall accordingly on Friday to Pontchartrain. Yesterday I had audience of the Ministers Pomponne and Torcy together, and (to show you how able a Minister I am) I first described Wall as well as I could from the detail Lynch had given me of him, desiring to know if upon any account of arrears of a ship given to him in the war, or by way of solicitation for anything relating to the marine, such a man as Wall had been with either of them; they both said that neither that day, or for some weeks before, any Englishman had had any audience from either of them, or that they could call to mind Wall or any person of his character. From hence, my Lord, it follows that there is knavery mixed with Lynch's folly, for Lynch (as I have said) told me that he saw both Pomponne and Torcy at a distance when Wall came from them, though he did not hear what Wall said to these Ministers, whereas they both perfectly say that they neither spoke to or saw Wall; and Wall speaking to three several Ministers of France upon the same subject, and which ought in itself to be the greatest secret, and Pontchartrain after this appointing Wall to come to him alone at his country-house is, as I think, a perfect chimera. I have not seen Lynch since Saturday. I have given Mons. de Torcy an account where he lodges; they will have an eye upon Wall, and Lynch will not be taken up till Wall is. Lynch, I expect, will be with me again, though I think from what has been already said one may reasonably conclude him a cheat. You will be pleased to send me your opinion as to my procedure in this affair, and your commands as to how much farther I should carry it.

"As to the faithful, here is first Bra[conier], the man that having done service during the war, was suspected here and put into the Bastille, where he remained four years; he addressed himself to my Lord Portland, and was told by him that from me he should know what the King of England

designed for him; his affair is only with one correspondent, who has promised, if anything very considerable happens, to give notice of it to Mons. Bra[conier], and for such notice given this correspondent expects a very great reward. My Lord M[ancheste]r, I think, need know nothing of this correspondence, since as to smaller matters Bra[conier] will write to me, and if an occasion of consequence should happen, he will come himself; I add to this that neither the correspondent or Bra[conier] desire to have to do with anybody else. I have given Bra[conier] fifty pounds of the last money Mr. Vernon returned me, and will give him something more before I come away, as that money may hold out, and he must have money from time to time transmitted to him; but of this I shall have time enough to speak with you when I have the honour to see you. Brocard, as we call him, is Tr . . . , an Irishman encouraged by Mr. Vernon; his pretended business is merchandise of English things, as stockings, hats, etc., under which notion he gives our friends at St. Germains an account of things in England; he is well with them, and particularly with my Lord Middleton's party. It was this man that amused us all last winter with a story of a fellow sent into England by Frank Stafford; however, though he has not been very useful, he may be so: he costs us between two and three hundred pounds per year. I think to give him two or three addresses under which he shall write to me, and since upon pretext of business he may come once or twice a year into England, I will encourage his so doing, the chit-chat of St. Germains being his forte; and if anything extraordinary should happen, he may write it and bring it to Mr. Stanyan, who may dispatch an express. I will therefore let Stanyan see the man, and tell him only that when that person brings him a letter, Stanyan should accordingly send an express; or Brocard shall enter as far with Lord Manchester as you think good, though I find him most willing to close with the method which I propose.

"Baily, who is Jo[hnsto]n, and related to the Secretary of that name, has a great mind to be at home, and has written to Mr. Alexander Johnson for that purpose; he is a parson disguised, a cunning fellow and a true *débauché*, he is upon the merit of 2 *louis* a week, and picks up what they are doing at St. Germains; for the time he will be here, I will turn him over to Stanyan if you think good.

"Jannisson as to his ordinary correspondence of who goes and who comes, may he not be given over to Stanyan and paid by my Lord Manchester, as they may agree the matter? But when he knows anything of more consequence I have ordered him to write it, under cover of some names I will give him, to me.

"My widow Langlois and her two daughters Stanyan may have; I think the old woman is a cunning jade as lives, and will pump him in his turn if he is not upon his guard; if he

visits her, as he should do, he may know something of most of the rogues and priests about Paris that have any dealings at St. Germains. One of the daughters will jilt him to death if he is very civil and says fine things to her, but if he claps one hand upon her mouth and t'other up her coats, she will eat him *bourreau* and lay with him (as I have heard say), but this is his concern.

"The poor people of St. Germains, especially the Protestants amongst them, had rather venture hanging for coming home than be sure of starving for staying there. Amongst these some have applied themselves to me: the suspended Bishop of Galway in Scotland, who has a mind to try if in Ireland he could get bread (he is a scholar, has the reputation of an honest man, and, I think, is neither designing or capable of doing harm); Menize, a scholar and a man that (as you see) does not want, since he would take the oaths; there is another scholar, one Hamilton, in the same condition. I can only say in this case that if these men had the King's mercy, he would be better beloved at St. Germains than King James is; I am too young a politician to say *pour* or *contre*, nor would I pretend to intercede with you in a matter of this nature. I will only say that, if any of these people did come, home, I would have them own the kindness to you, because I would have everybody love you.

"I shall obey the directions which you give me in yours of the 8th as to Gerrard Bedford to be returned for Peter Perauld, who is very happy to find a case so parallel to his own, for yesterday I asked Mons. de Torcy for an answer to the memorial you gave in about some galley-slaves, and to which I had added some others, which came to my knowledge since your going, and Torcy told me there was no answer, and that we had asked for a great many, but Adams told me plainly by way of an *entre nous* that they would give up no more galley-slaves, and that it would be in vain for my Lord Manchester to give in any memorials upon that subject.

"I spoke to Mons. de Torcy concerning the two Irishmen suspected to be companions in the murder and piracy at St. Malo. He said he had already spoken to Mons. Pontchartrain to give orders for their arrest, but did not know if those orders had been executed. He took a note of it, that he might remember to speak again. I do not see that he is much in haste about this arrest, and I think it is pretty indifferent to Mr. Leward if the thing be taken notice of or no, provided the cargo be retrieved. You will see by the man's letter to me that he complained, as most English people do, without a cause. I hear nothing from my Lord Manchester, and nobody asks if he is to come or no. As to private matters I have found an original of the Duchess of Burgundy of Lar[g]ilières; 'tis very like her. I have obliged him to let me have a copy of his own drawing, and it will accordingly be done. The three boys have not been drawn these two

days ; Troye did them last ; they are not very like, or if they ever were, the children are so changed that they are not so now. If you would have copies taken of them however, you shall be obeyed. The King and the Dauphin you remember you will have from Rigault, who does not much advance your portraits.

" I will bespeak the *seaus* ; those for the Baron will be done in a fortnight ; about that time it will be convenient (if you please) to think of money for the *glace* for Rigault, and for the other commissions which you have given or may give me." *Copy.* (XII. 263–72.)

[The Earl of Jersey] to Matthew Prior.

1699, June 15[–25]. Whitehall.—" I wrote last post to you by the *Beau* [Stanyan]. Pray take care what you say to him about your coming back. I find the Horse and his man would fain continue to keep you there till the audience is over, and I think they have more a mind to do it, because you have no mind to stay, but it is best to be easy in this matter and say nothing, and I think it will not be in their power to keep you longer than was first intended. I suppose Mr. Blathwayt will not venture to send you an order to stay without first acquainting me with it. You see I might have spared this letter by what is in it, but I had a mind to acknowledge yours of the 20th and to tell you that I am yours." (V. 80.)

[The Earl of Jersey] to Matthew Prior

1699, June 19[–29]. Whitehall.—" I think as to the affair of L[ynch] you are to let the French Ministers act in it as they think fit, taking always care that the cheat that was designed for us may be punished as well as that which was designed to their prejudice.

" As for the faithful, I think what I wrote by the *Beau* to be almost your sense in that matter, so I need say no more than to advise you to keep the most useful to yourself, and turn the other over to my Lord Ambassador

" I can say nothing of the Bishop nor of others in his circumstances, till I have a little considered of it.

" You may speak about Peter Perault, and Gerard Bedford, to the Ministers, for I have now proposed the change to the French Ambassador.

" I like very well to have a copy of the Duchess of Burgundy's picture, since it is like, and since those of the boys are not like I do not desire to have them. I will take care to send you money for the things I have writ for. Pray tell Mons. Rygault that the six weeks are near being expired. Mons. de Vilat, a French officer, has desired me to speak to you to bring him over between four and five hundred *louis d'or* in specie, which I think you will not refuse.

"The Comtesse de Maillé has writ to me for a pass to come into England. Pray let her know that a pass from me will signify nothing; if she intends to come into England, she must get a license from the King.

"I know Mr. Yard sends you the news of the town, though I cannot help telling you that poor Madame Mazarine is dying, if not dead. Your widow did us the honour of a visit this afternoon at the lodge; she is not likely to die, I assure you. She has had a brother dead since she has been here, the town says he has left her money. She was dressed all in white, a mourning becoming her age and person and very proper for the season.

"By this time the Irish Parliament is dissolved without calling another, so that for some time there will need neither of justices nor secretaries.

"The enclosed papers will inform you of the reason of the delays of the letters to Paris; you must speak to Mons. Pomponne about it, and desire that a courier may be always ready to bring away the letters as soon as they arrive at Calais (according to the Article), and that they may not lie at Calais till the ordinary post goes, which sometimes occasions a delay of twenty-three hours, if the packet comes in just after the post is gone, for then the letters stay till that post goes the next day." (V. 81.)

The Postmasters-General (R. Cotton and Tho. Frankland) to the Earl of Jersey.

1699, June 19[-29]. General Post Office, London.—"We have enquired into the cause of the irregular delay of the English mail between Calais and Paris. It proceeds from the methods of conveying it; for they send it by the ordinary Calais post, which goes out about three in the afternoon every day, so that, if the mail be landed at four the day before, it may lie twenty hours before it is despatched. This is directly contrary to the obligation of the second article of the Post Office Treaty concluded in June last between the two Offices of England and France."

"Upon several occasions we have applied for redress to Mons. Léon Pajot who signed the treaty; but he having for these many months affected an obstinate silence, we now think it proper to address ourselves to Your Lordship and to desire Your Lordship to write to His Majesty's Minister at Paris to insist by a memorial to Mons. de Pomponne (with whom as Postmaster-General the treaty was made and ratified by him) that the delay of the mails may be remedied."

"We for our parts have exactly complied with our obligation in this particular; for whensoever the French mail arrives at Dover, it is immediately horsed and carried for London."

Copy endorsed by Prior :—"A Mem[orial] drawn upon this letter and given in to Mons. Pomponne, July 3–13, 1699." (V. 82.)

[The Earl of Jersey] to Matthew Prior.

1699, June 22[–July 2]. Whitehall.—"I have received yours of the 27th. I find that Mr. Stanyan was not then arrived, though he said he would be as soon as the post. I am glad to hear that Mr. Montague has been as kind to you as you desired, but I do not know why you say he has reason to be angry at your coming home, for I should be sorry to have you do anything that reasonably could be found fault with. I do not hear that my Lord Manchester is in such forwardness to be able to go so soon as he says.

"If what Mons. Adams writes you had been sooner put in execution, neither of those rogues would have escaped. I send you back his letter not knowing but it may be of more use to you than me. Pray take care of your eyes, for I shall have use of them, though it is but to walk about.

"I go to-morrow to see a place near Tunbridge called Summer Hill; I believe I shall buy it; you see what trifles I write; but here is nothing else; I wish it may continue so, though I am always put to it to know what to write to you. My compliments to all my friends from Comte Marsan to Tamboneau; they are a good sort of people to live with, though the swager likes none of them nor their way. I suppose they will bear it if he retires in earnest. It is no secret that Lord Sandwich is here, though I have met with none that has seen him. John lies in town, because of the office, but with whom you may guess. Kat' lies at Hyde Park. In talking just now with Mr. Montague about you, for I have seen him at Council since my letter was begun, he said he hoped he should see you here by the latter end of July; that being, you need not trouble yourself what his son-in-law says. Madam Mazarine died this morning at eight o'clock, after giving some hopes of her recovery these two or three last days. It is what we all must do, the later the better." (V. 83.)

[The Earl of Jersey] to Matthew Prior.

1699, June 26[–July 6]. Whitehall.—"I have received yours of July the 1st. I am glad the *Beau* is come to you. I find you learn little from him; I fear he is mistaken even in my Lord Manchester's journey, and that it will be the end of next month before he gets to Paris at soonest. I believe it is necessary you should have some letter of revocation, and it shall be taken care of. It will be most civil to my Lord Manchester to send that letter by him. I reckon that it will be necessary that you should stay a fortnight after my Lord's arrival to carry him to his private audience, and to show him the way to Versailles. I am not against your coming home by the way of Holland, since you have a mind to it, and that you say it shall make so little difference in your return hither; if you continue in the same mind, let me know some time before you come away, that I may acquaint the King with it, who, I suppose, will not be against it.

"Pray take care how you enter into matter with the Comte, for it is a very nice matter and better not attempted than ill done. Master is returned to the College, I am in the same uncertainty I was about him; I wish you had an answer from your two friends on this subject, but I scarce expect that Gaugain should disengage himself.

"I hope that what is now in hand for me at Paris will be done before you come away, for I shall not care to leave the charge of them to any other. Pray make Madame de Croissy some compliments from me when she sees the glass.

"I suppose Clément, the library-keeper, must have something like a present for the stamps, which you may do at your discretion. I will send you money time enough for everything.

"I know not what it is, but I cannot bear Mr. Stepney any ill will; for his ill nature I pity him.

"I hope Mr. Stanyan will be satisfied that you thank him from me for his letter without any other answer. Pray do as much or more to Mr. Davenant for his civil letter to me." (V. 84.)

[The Earl of Jersey] to Matthew Prior.

1699, June 29[–July 9]. Whitehall.—"I have received your letter of July the 4th. I am very glad to hear you are so fairly rid of Lynch without his knowing you were in a plot against him. I think you did very well to tell Mons. Pomponne that His Majesty would leave him to the justice of that place, neither do I believe that you will receive any orders to the contrary. I suppose they will tell you from time to time how they proceed against the parties. On your side, pray observe if Wall is used as a criminal, or as one who discovered and is only clapped up to blind others.

"I had yesterday a visit from your Ambassador whilst I was in my retreat at the Lodge. The old Maréchal never asked so many questions; in all his discourse I could not find when he intends to be with you. I told him that it might happen that he would not have his private audience before the Court went to Fontainebleau, if he was not at Paris at least a fortnight before it removed thither. I could not bring him to fix any time; the appointments now run on, and I believe the latter end of the next month is the soonest that he thinks of going from hence.

"Brown tells me that he is sure that Arnold, who was in prison at Calais, is removed to the Bastille. I wish you could find out if it is so, and what reason is given for the keeping him a prisoner. I am told that the French will not suffer any English to stay above eight days in any of their seaports, for fear we should have any correspondence that gave us an account of the trade that the French drive with the English for wool. I do not see how they can banish anybody, unless there is some crime laid to their charge. This method

s not friendly, I would have you touch upon it to Mons. Torcy to hear what he says to it, but not by way of a formal complaint, because I am not very sure it is true in every place, but I really believe it is practised in all ports over against Kent and Sussex.

"I hope Mr. Hill has sent you a direction to send his letters to him whilst he is at Turin." (V. 85.)

JAMES VERNON to MATTHEW PRIOR.

1699, June 29[–July 9]. Whitehall.—"I have received this day your letter of the 4th of July [N.S.]. I think it is very fair that Wall should be taken up as well as Lynch, and I hope he will be as strictly examined, that the bottom of this roguery may be brought out; I believe they will communicate to you what account he shall give of this intrigue. I wish you were allowed to send him cross interrogatories, and that he be obliged to answer them, for then perhaps the banter would appear.

"I have taken into my office one M. de Vrigny, a fellow student of my son's at Utrecht. He expects some papers that are of concern to him from some of his relations. If they are brought to you, I desire you will receive them and send them hither by the first safe conveyance." (V. 86.)

[The EARL OF JERSEY] to MATTHEW PRIOR.

1699, July 3[–13]. Whitehall.—"I have received your letter of the 8th; by this time you know if by mistake the French letters were sent to Ostend, I have not seen yet any of our postmasters to inquire here if it was so.

"You say nothing if your successor likes Versailles, I guess how he will be liked. My Lord Manchester never comes to inquire after his instructions.

"Mons. Tourtone has orders to let you have what money you want to pay for the commissions I have troubled you with; you must draw bills upon me for the money you take at double usance, to make the payment more easy to me.

"It was dulness in me not to understand the word *reason* and not any design to criticise.

"I hope Summer Hill will be bought, and whatever it affords is at your service; if you get hither before the fine weather is gone, I will punish you with a retreat thither for a day or two.

"I wish you could send me the model upon paper of a little size dish for porridge, I think it is like a little basin." (V. 87.)

MATTHEW PRIOR to the EARL OF PORTLAND.

1699, July 13. [N.S.] Paris.—"I have dared to speak so much to you in relation to a thing infinitely above me, and for which I now see no remedy, that I will only trouble Your Lordship at present upon the subject to tell you that I wish

all things should succeed as you would have them, and that you are safe arrived in Holland, where I hope in my way home to assure you of the sense I have of your favour to me. I wait my Lord Manchester's coming, and I believe may do so this month yet; after which I am ready to put off these plumes with which I flutter about Paris, and to return home to labour under the protection of my good friend and patron, my Lord Jersey, in an employment of less noise and figure, and though my inclination did not oblige me to this choice, the hard usage which my Lord Gallway threatens me with would force me to it, for though I am yet actually in France, and by the King's order intimated to the Lords Justices upon my coming abroad that my pretences should be safe in Ireland, my Lord Gallway writes me word that they have thought fit to dispose of the secretaryship to Mr. May, who is second secretary, and acted as deputy from me in the employment of first secretary as long as His Majesty was pleased to dispense with my service. His Majesty does as yet most certainly dispense with it, for I am where his orders retain me, and where Your Lordship's goodness and choice brought me, that is, at Paris; my Lord Gallway is but one of the three governors, and the three conjointly have not the power of making the secretary, but only of recommending him to His Majesty, who chooses him, and who dispenses with that service as with any other as his pleasure is. Mr. Poultney is Clerk of the Council in Ireland, yet has lived constantly since my Lord Rumney's time in England. Mr. Stepney, Mr. Blathwayt (and almost everybody else that has any employ) are excused from the functions of it when His Majesty's service and orders retain them in a foreign country: yet I alone am destined by my Lord Gallway to be a sacrifice that Mr. May may be first secretary and Mr. Bouhereau (who is my Lord Gallway's countryman and secretary) may be made second secretary of the kingdom.

"My Lord Gallway has neither by word or warning said once that this storm was coming, but it is easy to know that he did not think good to endeavour to undo what my Lord Portland thought good to do, whilst my Lord Portland was in the Court; but immediately upon my Lord Portland's retiring, down with Mr. Prior; so when the pillar is removed the ivy that depended upon it falls. I write this very plain, but I know to whom I write it. I know not if His Majesty has yet heard of this thing, in which my Lord Gallway so absolutely determines, but I believe I can intercede with Your Lordship (for all what my Lord Gallway thinks to the contrary), that this storm may not fall upon me till I come into England, and may have the liberty to plead my own cause, and that therefore till then the thing may be upon the foot it now is, Mr. May acting as my deputy; and this can be no prejudice to His Majesty's service, unless it can be imagined that Mr. May has more sense when he acts for himself,

and without my deputation than when he acts with it; or else, if my Lord Gallway will actually have any other person for first secretary, Mr. May or that other may be obliged out of the profits of the office to allow me some compensation for the validity of my pretensions till His Majesty shall be pleased to order otherwise, in which case there will remain a fair income for Mr. May, or any other, and His Majesty's business will be as well done as if his poor secretary at Paris were sacrificed to the humour and arbitrary will of my Lord Gallway. I throw myself wholly upon His Majesty's goodness and stand wholly to his decision; he is too just to let me lose, and I am too happy if he pleases to take my cause in hand. I will only add to Your Lordship that I have endeavoured to live in France as becomes the character with which I am honoured, which without Ireland I could not have done, notwithstanding His Majesty's extraordinary goodness to me by Your Lordship's intercession. No man can wish better to another's affairs than I do to those of Your Lordship, and in what place or circumstances soever you are, no man living is more devoted to your service." *Copy.* (XII. 304–7.)

MATTHEW PRIOR to the EARL OF JERSEY.

1699, July 15. [N.S.] Paris.—"One of my letters is to the Secretary of State, the other is to my Lord Jersey. No examinations have as yet been taken of W[all] and L[ynch]; they are both used alike as yet in everything. Arnaud* is, I believe, in the same case with the two I mention, at least there is an Englishman there, and according to the best description I can hear made of him it appears to me to be the same. I shall endeavour to know more, but the reason why a man is put in prison here is, Your Lordship knows, very difficult to find. I think there are fifty stories told, and as many reasons given about the business of W[all] and L[ynch]; few of them wholly false and not one of them perfectly true.

"I have forwarded your letter to Mr. Hill at Lyons according to a direction he sent me. I touched upon the English not having leave in the French sea-ports longer than eight or ten days as of what I had heard from people that came from Calais and Bo[u]logne. Mons. de Torcy said at first that the King did not hinder strangers landing and staying in their ports to traffic, but would not have them establish and live there. I went on to tell him by little and little that by the Articles of Peace, they might live and inhabit, and that the time of their stay was not limited by any number of days, and that this prohibition was particular to the English. At last he seemed to intimate as if we got off the *réfugiés*, and that therefore their King would not let us be near the coasts, but he did not much insist upon this reason, but gave me

* *Cf.* p. 370, *infra.*

one much better, which was plainly that the King of France would have it so, which is an admirable reason for a General to give at the head of an army in time of war, but a very bad one for a Secretary of State in peace.

"As to the wool, the Owlers come to Calais as regularly as the letters, and meet all encouragement at their arrival there.

"Adams gave me a slyer reason for this order against the English staying in the French sea-ports, as if it were done upon our asking it, and to take off all pretext off the French encouraging what should look like an invasion, a descent or correspondence held by the Jacobites from these places with their friends in England. Your Lordship sees the invalidity of this reason, and knows that we never desired any such complaisance from this Court; however, I took it as current coin, that he might think what I asked was from myself, and not by command.

"I give Your Lordship many thanks for granting me leave to return by way of Holland. Your successor makes so little haste that the King may be in England before His Excellency arrives in France, but the appointments run on, and consequently the Embassy is performed. I have ventured to write to Loo that my complaints may prevent Crop's representations. I think I was right in so doing. I thank God I can hate and love, and the objects of my different passions are the Earls of Gallway and Jersey. I wish I may vex the one as heartily as I shall always endeavour to obey the other." *Copy.* (XII. 310–12.)

[The Earl of Jersey] to Matthew Prior.

1699, July 6[–16].—"I have yours of the 11–1. Crop, is (as the swager says upon other occasions) impertinent; I will write about you to-morrow to my Lord Albemarle. The only thing to be done in this business is to keep it off for some time. My Lord Berkeley resents Crop's usage to him (being absent) in this affair; when he gets into Ireland he will certainly serve you. What you have writ to Lord Gallway is right, and I think he cannot justify putting you out but with the King's leave, which, I hope, he will never have till something else is got for you. Pray do what you can for Perault, for his wife makes one's heart ache when I see her.

"Your poetry of St. Germains is the devil; pray make my compliments to both courtiers and men of the robe that remember me.

"Madame Maillé will do very well for the Horse.

"Pray inquire if the Duchess de la Force, *réfugiée* here, is not allowed something from her son by the King's order; Tamboneau can tell you.

"You once told me of a correspondence which Madame le Cocque kept, which I have forgot and would willingly know.

"The Parliament will be prorogued to the 24th of August. The Council has sat late and I am a little in haste." (V. 88.)

Matthew Prior to the Earl of Jersey.

1699, July 18. [N.S.] Paris.—"The 1115 [captain] of the 630 [seamen], the 1228 and other 1115s [captains] that will shortly 362 [put] out from 1127 [Calais] have received 1162 [orders] to 1232 [deliver] any 1453 [English] 630 [seamen] 221 833 414 221 [to parties of horse] who shall 1054 [carry] them to 409 404 167 [the Bastille]: this I am well assured of.

"The 1237 [French] will certainly 1104 [aid] the 1402 [Spaniards] in opposition to what the 1069 [Scotch] pretend to do in 1144 [Darien]. I know not how far we pretend to be concerned in that affair; they say at Court the 1237 [French] 1540 [Ambassador] in 1454 [England] had given you to understand 1255s [the French King's] intentions upon that subject.*

"Mons. de Pomponne is at Marli and was not at Paris yesterday according to his word; so I have not his answer in relation to the post.

"I have seen the copy of an order from Your Lordship to me concerning Cowper. The original the man has not yet received. I must begin again in his case by giving in a new memorial to signify our dissatisfaction of the liquidations made by his judges; and that is all I shall do, I suppose, in it during my ministry, I wish my Lord Manchester may have better success in this affair than at present I can imagine he will have." *Copy.* (XII. 314.)

[The Earl of Jersey] to Matthew Prior.

1699, July 10[–20]. Whitehall.—"It is to be wished that the Spaniard could beat out the Scotch at Darien, for that colony gives a good deal of trouble here; the English are apprehensive that the Scotch settling in those parts (with the advantages granted them by Act of Parliament) will be a prejudice to trade here. Many applications have been made to the King about it; His Majesty was not privy to the design, and is resolved not to protect it; orders are sent to all the governors in those parts not to have any correspondence with the Scotch. This is done both in regard to the trade of England and to some Treaties made with Spain relating to America; so that in your discourse, though without affectation, you are always to make this interest of the Scotch company to have no relation to England, and what the King does not intend to protect; His Majesty has already signified the same to the Court of Spain. The forbidding our English to stay in their seaports above eight or ten days is a very odd proceeding; and so is the putting English up in the Bastille without giving any account; it is certain that Arnold† is there, and much to my sorrow his wife here with two children;

*The interpretation of the cipher is perforce conjectural. *Cf.* Jersey's letter, *infra*, and Luttrell as cited.

† *Cf.* Luttrell, *Brief Relation of State Affairs*, iv. 534, 543-4, 547.

I can give you no other directions in these matters than I have already.

"I hear that my Lord Middleton's lady is gone over to you under the name of Morice.

"When I wrote to my Lord Albemarle about your Irish affair, I did suppose you had done it before. I am glad to hear I was not mistaken.

"My Lord Manchester has been with me this afternoon, and I find that he will certainly go from hence the latter end of the next week; he will go post from Calais for fear he should not see the King before he goes to Fontainebleau.

"I will send you a letter by my Lord Manchester for Mons. Torcy; I will take that occasion to thank him for my books; I am glad they are fine; pray give my silver watch to Clément. Madame Croisy has writ over that she has heard nothing of you nor my glass. I suppose you have seen her by this time; pray leave none of my things to do when you are come away." (V. 90.)

Lord Galway to Matthew Prior.

1699, July 11[–21]. Au Château de Dublin.—"J'ai été fort surpris, en recevant votre lettre du 1er de ce mois. Nous n'avons jamais conté que Mr. May fut votre député. Je croy que l'employ de Secrétaire n'a jamais été exercé par député, et il me paroît de nature à ne pouvoir pas l'être. Mr. May étoit notre second secrétaire, pendant que vous étiez le premier; et exerçoit, pendant votre absence, pour les deux charges, attendant toujours que le service du Roy vous permettroit de quiter la France et de venir ici, jusques à ce que je reçus une lettre de Mylord Albemarle, du 29 Avril passé, dont voicy les propres mots—

'La charge de Secrétaire des Lords Justices va être vacante par l'employ que l'on destine à Mr. Prior dans l'office de Mylord Jersey.'

"Nous avions promis, depuis longtems, à Mr. May, qu'il aurait ce poste dès que vous seriez pourvu. Cependant comme nous vous avions donné cette place, après que Mylord Sunderland nous avoit dit que Sa Majeste seroit satisfaite de ce choix, nous avons différé l'exécution de notre promesse à Mr. May, jusques à ce que Mylord Duc de Bolton en eût parlé luy-même au Roy, qui luy dit qu'il approuvoit notre résolution. Sur l'avis qu'il m'en donna, je crus que je devois vous en avertir. Je suis bien fâché que nous n'ayons jamais profité de votre présence dans ce royaume, et que nous n'ayons plus l'espérance de vous avoir. Ce qui m'en console, c'est que ce n'est que pour vous mettre dans un beaucoup meilleur poste, dans lequel nous aurons une perpétuelle relation avec vous. Je ne croy pas que vous ayez jamais cru pouvoir garder l'un et l'autre. Cela ne me paroît pas practicable, et ne convient point du tout au service du Roy, et par conséquent

ne nous peut pas convenir. Je vous prie de n'y pas penser." *Signed.* (V. 92.)

[The Earl of Jersey] to Matthew Prior.

1699, July 13[–23]. Whitehall.—"I have received yours of the 8th-18th. I hope the first part of it is nothing but what is always done upon the like occasion.

"The French Ambassador never spoke to me of that business, the Court there says he did.

"When Mons. Pomponne speaks to you about the business of the letters, pray let him know that our letters for Italy are sometimes stopped at Lyons three or four days, and by the Treaty the French are obliged to forward those letters with all dispatch.

"I think Cowper has been ill advised in his business; I wish my Lord Manchester may have success in it, though I had not.

"You must act in the business of W[all] and L[ynch] as you have begun, and as I have writ to you already.

"I believe the King will speak to the French Ambassador upon the business of the English not being permitted to make any stay in the French ports.

"Licences cannot be got for those people you mentioned in yours of the 24th past.

"You have leave to go to Loo if you please. You may make it an excuse to leave my Lord Manchester soon after his private audience.

"I hear my Lord Sandwich is gone back; I hope it is to fetch my Lady.

"One Colonel Wakeline with ten horses is lately gone over; you will have an eye upon him.

"I find I am not like to have my *glace* by the time you leave Paris, which is a very great disappointment to me, for I depended on it to adorn my house in the winter; besides, when you are come away, nobody will be there to take care of it that I care to trust; and I fear I shall find another inconvenience in the not having it, for I have already entered it into the Customs House as part of my goods left to come with you, and if it does not come till long after, I shall pay custom for it as a new *glace* out of France, which will be half the value of it; pray intercede with Madame de Croisy to give all the dispatch possible in this trifling affair, for I had almost as willingly be without the glass as not have it against the winter. I say nothing of the other things, for I think there is no question but they will be done at the time you come; my *seaux* must pass for your plate that has been used, or else, I believe, they must pay custom both coming out of France and entering here.

"I depend on the Office and John to send you the common news of the town, pray let me know how they perform.

Postscript.—"If you don't come quickly away, Boileau and that flattering country will spoil you." (*V.* 93.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1699, July 14–24. Loo.—"I am favoured with yours of the 17th inst. and enclosed occurrences, not doubting but you and your successors will do all that you can in the business recommended to you. I am now expecting an answer to my letter concerning the Irishmen, that is, that you would give me the best account you can from your enquiries of their life and conversation while in the service of France, that their intentions may be the better judged of here." *Signed.* (V. 96.)

The EARL OF ALBEMARLE to [MATTHEW PRIOR].

1699, July 27. [N.S.] Loo.—"Je suis tousjours contant, quand je me puis flatter d'avoir quelque part dans vostre souvenir, et puis que vous m'en asseures, j'ai lieu de vous en remercier; et je vous asseure, Monsieur, que vous serez receu à bras ouvert, ce sera alors que nous nous expliquerons ensemble sur toute chose. Le Roy vous accorde la permission de passer par icy a vostre retour de Paris, ce qui m'en donnera l'occasion. Ainsy j'espère que le grand Manchester arrivera bientost afin que vostre départ soit d'autant plutost. Croyes moi toujours avec passion de tout mon cœur, vostre etc. (V. 98.)

WILLIAM BLATHWAYT to MATTHEW PRIOR.

1699, July 21–31. Dieren.—"I have laid the contents of the 14–24 inst. before the King, who has thereupon ordered enquiry to be made after O'Bryan at Brussels; and I am further to desire from you an exact description of his person, that he may be the better found out.

"You may chance to meet Mr. Stepney at Loo as well as other good company of your best friends." (V. 97.)

[The EARL OF JERSEY] to MATTHEW PRIOR.

1699, July 24[–August 3]. Whitehall.—"I have yours of the 19–29th. Mons. de Pomponne's answer to our Postmaster's complaint is sent to them; I do not know what they will say to it, but I believe there is nothing more to be done in this business but to make Pajott careful, as he has been since the complaint. On my account I do not expect Mons. de Torci should dispatch anything, but methinks it should be every minister's care and desire to make an end of business when they can; I suppose what fragments my Lord Manchester finds will remain so to his successor.

"I thought the merchandises seized by du Bart in the Dantzic ships were already granted to our merchants, though not delivered, but I find the French can easier undo than do. I suppose the merchants, when I see them to tell them their doom, will still have something to reply.

"I believe they will mention no more the business of Girard Bedford since nothing can be done but by releasing of Perault; unless the interested in the affair of Captain Mansell, as you have proposed, will prosecute his murderers, I do not expect justice to be done otherwise. My Lord Manchester has orders to speak about Arnold. If those proclamation men are gone towards Flanders, as you say, it will not be hard to meet with them.

"When you write those things to Mr. Blathwayt, I suppose you write them at the same time to my Lord Albemarle, who is immediately about the King. If you could get the names of those Scotch subscribers, it would be of use. I am glad to know the names of those that have the management of the money for the poor here, though I know not what to do with them—as you say here is rare doings, but how to help it! By this time I may wish you joy of my Lord Manchester's arrival. Joly is gone his gentleman of the horse, and has married Tom's cousin; pray be kind to her, and do not call her Sarah but Mrs. Joly. You were in the wrong not to let me know that you had writ Mr. Montague word of your journey to Holland, for I made it a secret till I had the King's leave for your going thither; whatever conjecture you make of what I said to you lately about your journey pray keep it to yourself." (V. 95.)

William Blathwayt to Matthew Prior.

1699, August 7. [N.S.] Dieren.—"We should be glad you could send us some proof of FitzGerald's being lately at St. Germains—I mean this Henry FitzGerald, for that he avers the contrary. Pray assure His Excellency the Earl of Manchester of my most humble respects, and Mr. Stanian of my service." (V. 101.)

William Blathwayt to Matthew Prior.

1699, August 4–14. Loo.—"I should hardly take this way of troubling you after the receipt of your last favours of the 3rd and 7th instant, by which I understand we shall so soon have your good company here, were it not to let you know that Mr. Marmaude, Mr. Hill's secretary at Brussels, is indeed in pursuit of O'Bryan mentioned by you, but without success, since he goes by another name, and that there is no description of his person; so that, as I have already desired you to get such a description, it is now become necessary that you furnish Mr. Marmaude with it as soon as possible, whether this find you at Brussels or otherwise." (V. 99.)

[The Earl of Jersey] to Matthew Prior.

1699, August 15[–25]. Whitehall.—"I have received your letters of the 15th and 19th instant from Paris. I did not write to you these two last posts, supposing you on your

journey. This, I hope, will meet you at Loo. Till we meet I will say nothing to you of France, only that the Ambassador does not *voir jour*, and that you guess right as to the other *jours* we have lately mentioned.

"Mr. Blathwayt writes me word that by order of His Majesty he was writ to put the 'holx*' in Ireland; you will say that it is not for your sake that I am glad of it, but vain to have got the better of monarchical Crop."

Postscript.—"Since I wrote the other side, I have received your letter of the 22nd from Paris: had I thought you would have stayed there so long, I should have writ to you the last posts, but now everything that I could say must be deferred till we meet." (V. 102.)

[The Earl of Jersey] to Matthew Prior.

1699, August 22[–Sept 1]. Whitehall.—"I have received your letter of the 28th, your farewell from Paris. I cannot judge when you will be at Loo, not knowing how much your curiosity will make you saunter about Flanders, but I write this in hopes it will not be long before it meets with you. I have lately had a letter from Crop, who, I find, is not satisfied with what I wrote to him by the King's order in your affair; he intends to write to His Majesty about it, and by that means hopes to gain his point. This arbitrary spark I believe will be so troublesome in this business that the King will be forced to do something for you in England, by way of accommodation; if that happens you are more obliged to Crop than he intends. If you like of it, I shall do what I can to promote such an accommodation when I see you at Loo; for now I may tell you that there you may expect me, and I hope it will not be long before we meet; till then I defer a thousand things." (V. 103.)

Extract of a letter from Lord Galway to Mr. Blathwayt.

1699, August 24[–Sept. 3]. Dublin.—"Nous avons reçu les ordres du Roi par votre lettre du 8ième de ce mois à l'esgard de Mons. Prior. Nous avions donné la place de notre premier Secrétaire à Mons. May avant que le Duc de Bolton partit d'ici; nous n'avons point nommé de second; il y a quelques temps que my Lord Jersey me fit savoir que le Roi voulait que Mons. Prior fût notre premier secrétaire, jusqu'à ce qu'il fût mieux pourvu. Je me suis donné l'honneur d'écrire au Roi pour lui représenter ce que je crois de son service et de notre droit dans cette affaire. Si Sa Majesté nous commande après cela d'ôter Mons. May et d'y remettre Mons. Prior, nous savons que notre devoir est d'obéir à Sa Majesté, mais nous attendrons encore une fois ses ordres." (V. 113.)

[The Earl of Jersey] to Matthew Prior.

1699, Sept. 5[–15]. Whitehall.—"I have yours of the 8th and 11th. I have not time to answer them so particularly

* *Cf.* Prior's letter of June 3. N.S. 1699, *postscript*, *p.* 351, *supra*.

as I could wish. I find you are mightily pleased, and who would not be so with so gracious an audience, I wish it may last. Poor Stepney! but to be more serious I am getting ready to depart as soon as the orders come, and you may expect me at Rotterdam the first fair wind after; I long to be on the other side, for I have a thousand things to say, I hope for all our goods.

"I send you a paper given me by the Spanish Secretary; the same has been given to all the Justices, I think it is complaining to the nation of what His Majesty is doing; I would not have you show the paper, unless the Honourable shows that which is sent him for the King. I have had a letter from Lord Berkeley, and I find Crop will not be quiet, but you will know more of that where you are. Farewell, I long for the arrival of the courier from Vienna." (V. 104.)

[The Earl of Jersey] to Matthew Prior.

1699, Sept. 12[–22]. Whitehall.—"I have yours of the 15th and 18th, but no orders yet for my voyage, which perhaps may not be, since it depends on the resolutions of the Court of Vienna: if orders should come, I scarce could get to The Hague before the time they say here the King will be there, unless the wind is very fair. I thank you for your care about a lodging for me; I believe it is more than those will have that send for me, or else sure I shall be lodged in the old court, if old Romney has not all the room. I think I told you that Crop was not quiet, but I never knew impertinence of that kind resented as it ought to be. In expectation of seeing you, I cannot settle to write to you as otherwise I should. If you do not see me, you will be troubled with the care of some commissions that I have already writ about. The *seaux* are very fine, but what is not so that comes from thence?"

Postscript.—"I believe I have eight mares at The Hague, and I desire you to speak to Mr. Ireton to get them over with the King's equipage. If I do not come myself, I will send a couple of servants to take care of them." (V. 105.)

H. May to Matthew Prior.

1699, Sept. 12[–22]. Dublin Castle.—"I have the favour of yours of the 8th inst., N.S., and do according to your desire send you enclosed [*missing*] a monthly account of the fees from the time we accounted last to the end of April, about which time the Duke of Bolton and my Lord Galway were pleased to declare me their first secretary, as I think I acquainted you in my last, and I have by this post sent Mr. Powis a bill for two-thirds of those fees.

"If it shall be thought fit to turn me out of that place, I shall always receive the commands of my superiors with the respect and submission that is due, but for the time their Excellencies have declared the employment to be mine, and

that I remain in it, I cannot for my life think myself accountable to anybody but them. I am sorry we happen to judge so very differently, and am, etc." (V. 106.)

The Earl of Berkeley to Matthew Prior.

1699, Sept. 14[–24]. Dublin.—"I have received yours from Loo, which I did not answer by the first opportunity because I have written fully of the matter to my Lord Jersey, which, I do not question, will be communicated to you. I am very sorry that Lord Galway and you differ so widely in this business, for he takes it upon a foot which makes me wholly incapable of doing you any service in it; for he says that Mr. May was put in possession of the first secretary's place before I came into Ireland by the Duke of Bolton and himself, and this by the King's order by my Lord Albemarle, who writ that they might dispose of the first secretary's place by reason you were provided for in my Lord Jersey's office. I suppose the Duke of Bolton will agree with Lord Galway to justify that the place was actually disposed of to Mr. May, because he has writ to me in behalf of one Cob for the second secretary's place; but by the way that recommendation makes it plain that, whatsoever the first was, the second place was not disposed of. My Lord Galway has again writ to the King upon the receipt of your letter to put him in mind how the matter stands, as he takes it. In short, if the King will have you put in again, I will make no remonstrance of the undoubted right of the Government here to put in their own secretary; but if His Majesty thinks you never were out, I shall obey him in continuing you in, according to the orders received from my Lord Jersey and Mr. Blathwayt; but if it should be in our power to make a choice, you shall have my voice though you execute the place by a deputy, and this is more than I would say to anybody but Mr. Prior, to whom I am, etc." (V. 107.)

William Blathwayt to Matthew Prior.

1699, Sept. 19–29. Loo.—"I have both your letters. Your arguments are categorical and so ought the conclusions to be, but 'tis not always as one could wish. This day my Lord Albemarle and I pleaded your cause to the King, who was mightily possessed by the Duke of Bolton and Lord Galway of their right, and 'twas much we could bring the matter to bear so far as you find in the enclosed copy of an order I now send to your Lords Justices. I have shaved close, if not strained a point, in the framing of it. However, you must look upon yourself now *in statu quo*, and having made your lodgment there, fight the rest out with all your friends and interest, for which you have time enough, and my consulate being soon at an end, I can only give you my further wishes.

"The Spaniards are worrying of us with protests everywhere, but Canales would have the earth open, etc. *Flectere*

si nequeo, etc., as you will see by a paper my Lord Jersey will bring with him. The Scots have quitted Darien, which should pacify them a little. I suppose we shall see you here in good company before the week be at an end." *Enclosure.* (V. 110.)

Enclosure.

W. Blathwayt to the Lords Justices of Ireland.

1699, Sept. 19–29. Loo.—"His Majesty, being informed of what has been done by Your Excellencies in reference to Mr. Prior, does think fit that everything that may concern him in that office be put into the same condition in every respect as before Your Excellencies' intentions to make any change in the said office, and do remain so until His Majesty shall otherwise determine, wherewith I am commanded to acquaint Your Excellencies." *Copy.* (V. 111.)

The Earl of Manchester to Matthew Prior.

1699, Sept. 20–30. Paris.—"I think it proper to let you know that the gentleman that uses to write to Lord Portland has been several times with me, and says that some affairs suffer by reason you have not supplied him. I have let him have some which I may pay myself again upon what shall be ordered him. I have also supplied twice one who[m] you shewed to Mr. Stanyan, though I never saw him; I fancy he is capable of doing service, though I do not know upon what foot he is, I suppose you remember him. Tr . . . , he that came from England, was found out and was ordered to leave St. Germains, so that it cost me a great deal to no purpose; I have sent him back again. This I send by an express." (V. 115.)

John Ellis to Matthew Prior.

1699, Sept. 22[–Oct. 2]. Whitehall.—"I should be false to the friendship I profess to have for you if I should let slip any opportunity of serving you or imparting such things to you as it may be for your service to be acquainted with, as that which follows is, which I received to-day from Ireland, in relation to the dispute between you and Mr. May, from one who is your friend in the matter, but desires at present to be undiscovered. His words are:—'I find on this side it goes much otherwise than Mr. Prior expects, Mr. M. being looked upon as first secretary, and they that made him so insisting on it so strongly as to write to the King, in reply to the last orders from Loo. Mr. P. writ a letter to Lord G. which is so resented for some expressions in it that it is sent to the King as an aggravation against Mr. P. I wish him advertised of it, and must leave it to your conduct to do it so as he may not let it be known whence it comes.' And in another letter, for two posts come in together, he says:—'He wishes what he writ last be come safe to my hands, and were imparted to

the gentleman concerned' (meaning yourself), 'which is also wished by a much greater person' (meaning the Earl of Berkeley) 'who thinks it a cruel thing to endeavour to cut any man's throat with his own pen.'

"If this notice be of any service to you, I shall be very glad, and if you have heard it otherwise, I hope, however, you will accept it, as it is intended as a mark of the sincerity wherewith I am, etc."(V. 114.)

The Earl of Jersey to Matthew Prior.

1699, Oct. 2[–12]. Squerries.—"I thank you for the concern you have for my being ill. I have little or no pain, but continue very lame, and believe that the air here with the satisfaction of seeing one's garden, though but out of the window, will contribute more to my health than the prospect of St. James's Street. If *les absents ont tort*, I hope you will find the advantage of being upon the spot." (V. 117.)

A[braham] Stanyan to Matthew Prior.

1699, Oct. 14. [N.S.] Paris.—The bearer, Mr. John Stanyan, is an uncle of mine, who has a son at Lisbon, settled as a merchant there. You were so kind as to promise to assist in getting him made Consul there. I desire you to give my uncle leave to wait on you, when he has anything to propose in order to effect his design. (V. 118.)

The Lords Justices of Ireland, Lords Berkeley and Galway, to W. Blathwayt.

1699, Oct. 14[–24]. Dublin Castle.—"We have received your letter of the 19th–29th past from Loo signifying to us that it is His Majesty's pleasure that all things relating to our Secretary's office shall be put into the same condition as they were before the late Government made any alteration therein, and in answer thereunto we desire you will please to acquaint His Majesty with our ready obedience to his commands, and that we have given the necessary orders accordingly." *Copy.* (V. 112.)

The Earl of Manchester to the Earl of Jersey.

1699, Nov. 21. [N.S.] Paris.—"The same day Mr. Prior left this place I went to Versailles and had my audiences upon what I assured His Majesty; this King did return in very obliging terms, how much he desired to continue the good understand [*sic*] that was now so well established, that he did again repeat to me what he had formerly assured me, etc.

"I made 2311 (Torcy) a visit where I took occasion to discourse what had passed in my private 2184 (audience); I knew 217 (he) 1256 (expect) 194 (ed) it, and I was also willing

to 1907 (find) 377 (his) sense of the matter. 2311 (Torcy) said that this 390 (King) had acquainted him with it, that I had fully explained the whole proceeding to 1917 (His Majesty) that 2153 (Comte Tallard) was to set out on Monday next. 217 (He) did still seem to 1000e (press) the great credit and 1922 (interest) our 390 (King) had with the 230i (States General) and laughingly said he wondered I should 973 (lesse)n it. I told him I did own that the 230i (States General) had always showed a great regard to anything that was 1323 (propos) 194 (ed) from 1917 (His Majesty), that 217 (he) had recommended it and would continue to do it, so that nothing should be wanting on 377 (his) 840 (part), that, though there 886 (were) great 800 (hope)s of a good 1241 (conclu) 282 (si) 673 (on), yet till it was 1064 (agree)d to by the 230i (States General) it was 822 (more) than could be said that 876 (they) would certainly do it. On the whole matter I 1907 (find) this 761 (Court) impatient till it is done, saying no 872 (time) was to be 974d (lost) that the 1450 (King of Spain's) 397 (life) was very uncertain, that the last account they had, 1450 (King of Spain) was 646 (ill) again.

"I waited on 2153 (Comte Tallard) this morning, and his discourse was much the same; he gave me to understand that, though 1717 (Bonrepos) would seem to be concerned in this 1703 (affair), 217 (he) was not in the least, that 2153 (Comte Tallard) hoped to 1907 (find) all things ready at his return into 1577 (England), which would be on Saturday next, that he had all the duty imaginable for the 390 (King), that his intentions were and always would be to endeavour a good understanding between our Masters, which I was not wanting to make him the same assurances. I hope 2153 (Comte Tallard) will be so just to me as to give the same 1191 (turn) to this matter in 1577 (England) as he does now here.

"The enclosed for the King I had from Mons. Hempskirk; it comes from Spain. Mr. Blaithwayt has an account of what we know from Mr. Stanhope himself, though I am told just now that there is an express come to the Spanish Ambassador here, that Mr. Stanhope is to depart in eighteen days, and to keep his house in the meantime. The Duke and Duchess of Lorraine is here and are to see the 1776 (late King) and 1777 (late Queen) this day at Chaliot [Chaillot]. I hope the account Mr. Prior will have given His Majesty does approve of the proceeding. I shall continue to obey Your Lordship's orders as becomes, etc." (V. 119.)

The Earl of Manchester to the Earl of Jersey.

1699, Nov. 18–28. Paris.—"I have so little to acquaint Your Lordship that I had no thoughts of troubling you this post only that in some of my former I did forget to thank Your Lordship for yours of the 30th October, where I had your directions in relation to the Portugal Ambassador. I am better pleased there was no occasion to proceed in that

manner, but had he not made some excuse, it would have been necessary. He has since been to wait on me, and I find the little time he was in England his company was with odd persons; being so imprudent as to tell me he found the King was not beloved by his people; but perceiving I did not approve of such discourse, he soon altered it. He was much with the Spanish Ambassador, saying he had showed him his memorial before it was delivered. I do not fail every time I see Mons. de Torcy to press him for an answer to the ship that was taken on the coast of Guinea, and I am promised to have it the next week, though I very much fear it.

"The African Company here is so much concerned, it being done by their orders; and they are in so low a condition that in case they are obliged to make satisfaction, as I hope they will, it may be their ruin, which is the reason this matter is so delayed, some of the greatest men in France being in that Company. I take notice of this to Your Lordship lest the proprietors may think I do not take that care I should for them." (V. 120.)

[Major Burrowes] to [Colonel Stow].

1699, Nov. 20[–30.] [London.]—"I have appeared but little, my dear friend, ever since my coming, no more than the necessity of my business required, but there is a rogue or two of a messenger who rushed in where I once lodged, which obliges me to be more close, and my friends, since the barbarous news is come out of Ireland, have plied me with so many advices that I do not stir out once in a fortnight, and then by night only, and (which is a great trouble) I dare not venture to take a turn in the old grass walk for fear of those rogues my adversaries, who, I have reason to believe, would stick at no villany to avoid appearing such as I have painted them. I am extremely obliged to honest Fego[Vavasour], who, though under troubles of his own, affords me all manner of assistance. I have been forced to lodge a Bill in Chancery, which went, I will assure you, very much against the grain; but I had otherwise been precluded in point of time, and the treacherous trustee would have swallowed me up to rights and sold the estate. I want you to be one of my evidence, but if you do not come quickly, I shall be forced to run away from my cause, and make you another visit, which nothing but the extremest necessity or danger shall make me resolve upon, as being unwilling to be burdensome where I can do no service. It would not be improper to hint what I write here to F[ather] S[aunders] upon the first opportunity you have, and pray give in my name all acknowledgments and services. My cousin likewise will be obliged to go over to Ireland to look after her affairs (for she is basely used), or else to some place very distant from this town to live after a cheaper manner. I warn you, my dear friend, not to mistake this for desponding, I never had one such thought; but if I

find myself deceived in my calculation again, as to time, I mean, I shall have no plum porridge to eat, and must find out another way of living.

"I was under so many troubles when I writ my last letter that I remember very little of it, only I cannot think it was fit to be showed, nor shall I be able to send you any that will.

"Prognosticators say we shall have very warm weather, and that this session is not like to be of any long continuance; for myself, who am swayed by the reasons which I at the first formed my opinion from, I confess [I] can find even in this speech something to confirm me, and cannot but think it odd there is nothing of the Spanish affair in it.

"That heroic action of the wild boar has charmed us all; but we cannot without trembling reflect upon the danger to which this so promising a young Prince was exposed and how fatal it might have proved if he had missed his shot, but the over ruling Power will, I trust, be ever careful of Royal blood, and in due time exterminate monsters.

"The Major-domo has, I hope, reached you by this time, and then he has brought you news of the death of poor Treaseare, than whom no man could more long to see you. God Almighty has been pleased in a short while to deprive two of my friends of a satisfaction they had set their whole hearts upon. Honest Fego continues invincible in his faith, and I must conjure you as a man of honour and lover of justice, without respect of person to get him true information in one matter; I hope our friend who paid you the money when he came from Fontainebleau will prove just in the end, though he has not hitherto been so clear as he ought, but (which is not fair) been his own carver all along. About April last he sold a horse, as we are informed, to the Governor of Paris; since you make to Fego offers of service, he begs of you to visit this Governor's stable to discourse the Master of his Horse, to know what he gave for it, and if any of less value was sold at the same time and put off upon the credit of this, and what price was set upon each, by the buyer. Col. Skelton (to whom pray give my humble service) I daresay will go with you, if you have not French enough yourself; you shall by-and-by, when he comes to me, have an exact description of this beast.

"I beg of you, my dear friend, to give my most humble duty and service to my Lord M[elford] and to his Lady likewise if you have an opportunity; if I can pick up anything, worth communicating to him, you shall have it, but I am more inclinable to retire for a month amongst some of my relations thirty or forty miles off, that I may get a little fresh air, which I very much want, upon my word. Adieu.

Postscript.—"I hope you will pardon this trouble of inquiring into the price of a sandy grey gelding about fourteen hands three inches high, a good fore-hand and had all his

goings. about six years old." *Copy. In the same hand at foot.—*

" Directed thus :
A Monsieur
Mons. Proctor chez Mons.
Veard à St. Cosme dans la
rue la Harpe
à Paris.

" Lord Middleton's letters come under a cover directed thus :
A Monsieur
Mons. Leverque [*sic*] St. Jean
Banquier
à Paris."*
(VI. 4.)

ABRAHAM STANYAN to MATTHEW PRIOR.

1699, Dec. 2. [N.S.] Paris.—" I have the favour of yours of the 13th past with one enclosed to my Lord, which he is forced to delay answering till next post. His Lordship spoke yesterday to Mons. de Torcy about the Guinea ship, The Dantzickers, and Fleming's daughters. My Lord thinks fit to send my Lord Jersey a copy of the memorial he gave him about the second affair, and for the others we are not without hopes of doing some good, though we have no positive answer ; His Excellency will likewise give my Lord an account of what Mons. Torcy answered upon each of those heads. He grows every day more civil than other ; whether it be a change in our affairs, or his, that causes it I cannot tell. The Duke of Lorraine went on Monday to see King James at St. Germains, who would have returned his visit yesterday, but that he has got another boil, since he was lanced for the former one, which does not ripen kindly, and puts the poor pensioners of that Court into great alarms, for if it do not come to suppuration the Monarch dies. Rigault has made some progress in your pictures since you spoke to him, and promises me to finish them in few days more, which I shall take care of and not forget your candlestick. All your friends are well, but are in pain for your cold. Mrs. Frowd says the best almanacks hold it unfit to bleed in November, but my Lady Lawson says it may sometimes be necessary, and that Sir Winfred had not now been alive, if he had not done it." (V. 123.)

The EARL OF MANCHESTER to MATTHEW PRIOR.

1699, Dec. 5. N.S. Paris.—" I could wish this Court was so well inclined as to grant any favour in relation to the French Protestants, but at present I cannot see any inclination : neither can I hope ever to have such credit with Mons. de Torcy as on my own account to persuade him ; if at any time I do find a probability, I shall not fail to act as

Cf. Manchester's letters of January 13th and 15th [*N.S.*] 1700. (pp. 389—392, *infra*).

desired. I have not made all my visits of ceremony, and this day I am going to the Arsenal, so you must excuse me to my Lord Jersey, having also nothing to acquaint him with. K[ing] J[ames] continues still ill; his distemper is boils in his backside; I do not hear there is much danger, unless it should turn to a fistula; in a little time you shall hear more. I understand Mons. de Tallard could not be so soon with you as he intended by reason the wind continued some days against him, which obliged him to stay at Calais

"I am glad to hear our proceeding was approved, and am impatient to know the success of that matter; though it may be I shall hear it first from Mons. de Torcy. I was sorry to find by yours of the 13th that you was not well, but your last of the 16th November shows me the contrary; none can wish more your health and welfare than him [*sic*] who is, etc."

Postscript.—"I desire to know what method I am to take about the ninety *louis d'ors*.

"The enclosed for the King comes from Spain." (V. 124.)

ABRAHAM STANYAN to MATTHEW PRIOR.

1699, Dec. 5. [N.S.] Paris.—"Just after the letters of last post went away I received (according to custom) yours of the 16th past with several enclosed, which I have taken care to dispose of according to your directions. One of the two to Dr. English I have given to Dr. Sherard, who will send it to Lyons, the other I keep by me till he comes. Mons. de Villeroy is gone to his government of Lyons, but care is taken to send the letter after him. I think I told you in my last that Col. Stanhope was gone to Bordeaux to meet his father. Before he went it seems he bought Frowd's coach and horses for a hundred pounds, payable by my Lord Tavistock, who lost that money to Stanhope at play.

"King James certainly continues very ill, though his Court endeavours to hide it as much as possible; they say he has got a carbuncle near his fundament, very like the plague. I have not been able to see anybody yet that ought to give me an account of this matter, but the French Ministers think him in danger. Lord Tavistock and Mr. Mansell set out from hence on Tuesday next, but I don't know of anything you want that I can take that opportunity of sending you." (V. 125.)

ABRAHAM STANYAN to MATTHEW PRIOR.

1699, Dec. 9. [N.S.] Paris.—"I have received yours of the 20th past, and am sorry to find by it that you are not yet in a condition of writing yourself, but I hope your machine will quickly mend, though your indisposition suggests some melancholy thoughts to you. My Lord bids me tell you he has yours of the same date, and has given orders for supplying you with venison. I writ you a line last night to serve as a cover to a packet from *l'Amy de la confidente*, which I

recommended to Mr. Mansell's care, who has promised me to deliver it into your hands as soon as he arrives. I don't know whether you gave any New Year's gifts to the officers of the Court last year; if you did, pray let Mr. Drift send me a list of them, that I may govern myself accordingly.

"This King is now actually making a reform of ten men in every company of foot, and five of every troop of horse and dragoons throughout the Army, except the dear Household, which will lessen his forces near forty thousand men. The like reform in the Fleet is talked of, particularly among the secretaries and civil officers of it, which is a very ill precedent, and ought to be discouraged, for sure the Devil never yet heard of a reformed secretary.

"I suppose you remember that one Count Bozelli, an Italian ruffian, was put in the Bastille last year upon suspicion of having a design to poison our King; I am told he is now sending a gentleman into England to vindicate his innocence, that the Duke of Mantua and the Elector of Bavaria have granted him letters to His Majesty for that purpose, and that he is soliciting Mons. Torcy for another from hence, which, it is said, he has obtained a promise of. I don't know who this gentleman is that is going, nor his master's case; the former I shall know in few days, and the latter I presume you are no stranger to.

"The Emperor's Envoy here had yesterday an audience of the King about the restitution of Brissac, who told him that the bridge was now almost destroyed, and assured him that the town should be restored in a fortnight's time at furthest; we cannot help believing him this time.

"Mr. Howard and Col. Frowd had a quarrel t'other night at my lodgings about drinking glasses upon their toes, wherein the Colonel was egregiously in the wrong, saying some words which the other had reason to take ill, which included my Lord Tavistock also. They both went away immediately and sent the Colonel a challenge to meet them at Mons with his friend.

"We got notice of the matter and acquainted my Lord Ambassador with it, who sent for them all, and made up the matter, the Colonel being reasonable enough to own he was in the wrong, and declared he did not design to affront them. In the meantime I lose my evening's diversion, which the Colonel cannot easily repair."

Postscript.—"I had almost forgot to tell you that I send you by my Lord's direction Bourg's Interrogatory, which he got yesterday of Mons. Torcy. Now we have it we don't know what use to make of it, and therefore my Lord desires you would show it to my Lord Jersey, that His Lordship may send such further directions upon it as he thinks fit. You know the matter was begun before my time, so I am wholly a stranger to the proceedings against this fellow, but my Lord supposes you may remember them." (V. 126).

The Earl of Manchester to the Earl of Jersey.

1699, Dec. 13–23. Paris.—"I was this day with Mons. de Torcy, where after I had discoursed him of some matters that are still depending, particularly the ship taken on the coast of Guinea, also the officer of the Customs that they have imprisoned at Cherbourg; which he assured me he had pressed Mons. Pontchartrain, who promised him he would return the answers, so that I might have them the next week. Mons. de Torcy said he had orders from the King to acquaint me that the payment which was agreed to in relation to Hudson Bay, or as they call it, Fort Bourbon, was not yet complied with, that he desired I would take some care in that matter. I desire Your Lordship will represent it to His Majesty and do what you can in it, since it may otherwise have that consequence that when the next payment comes due on the account of Orange, they will have that pretence to delay it; besides there is reason to believe the parties concerned will petition this King to be paid out of that money, which I think should be prevented. Mons. de Torcy took notice also that the affair of Spain was still depending and not agreed to, which might be a great prejudice to this King, since they had now a good opportunity of acting matters to their advantage, the Queen of Spain being dissatisfied with the Court of Vienna; he did not mention the occasion, but I imagine it is something in relation to the Countess of Berlips,* which they have denied her: all I said [was] that I was assured that the King my Master would contribute all he could to bring that matter to a good conclusion; he answered that the King was fully satisfied of it.

"Count Zinzendorf had an audience of the King this day, having just received a courier with the news that the Queen of the Romans was brought to bed of a daughter. The King told him, as he says, in a very obliging manner, that he had given orders to Mons. de Villars to take his audience of the Archduke in the manner the Emperor should think fit, so that at present this Court seems desirous to oblige the Emperor as much as they can. I have had no intelligence of late from St. Germains, because the late King's illness put a stop to all business there; he is now pretty well recovered, dines in public, so that, though he looks thin and wasted, yet they think his life is quite out of danger. The Irish forces were designed to be comprehended in this general reform, but [King] J[ames] having represented to the French Court that they were unfortunate people that could not return to their own country, that they had served well in the war, and would be more useful than any others, whenever they had any design upon England: these reasons and his request to the French King prevailed with him to let them continue as they were; and accordingly he sent Mons. Barbésieux

* *Cf.* Grimblot, Letters of William III. and Louis XIV. ii. 385, footnote and *Archives Diplomatiques. Recueil des Instructions. Espagne*, i. 472.

last night to K[ing] J[ames] to acquaint him with that resolution.

"Mr. Prior may remember that I talked to him when he was here last about taking up one Claude, a Frenchman, as he says he is, who served the late Lord Brudenell, in order to exchange him for Arnold, or Pierre Perault. If Your Lordship be of that mind, I am told he is almost every night at the Dog Tavern in Drury Lane; and Couchman the messenger will be a proper person to apprehend him, because he was acquainted with him at Paris. This Claude was much at St. Germains whilst he stayed here: and endeavoured to have seduced several English thither; but the best reason for seizing him is for having attended on Richardson, one of the assassinators, while he was concealed in the late Lord Brudenell's house, which, I am told, he bragged of when he was here last. Bayley does give me great hopes that the person *dont il s'agit* [Bryerly]* will go for England, but he must first send away his wife and children. I shall take all the care I can in that matter. I am told that Lord Bernard, who is now at Montpellier, keeps a correspondence with the Court of St. Germains by the means of Sir William Ellis, who has shown several letters from him, and, I am assured, has writ back to my Lord. This will be delivered safe into Your Lordship's hands by Col. Richards. I am sorry you have had the gout, I hope it is now over."

Postscript.—"I have received your last of December the 4th." (V. 128.)

Abraham Stanyan to Matthew Prior.

1699, Dec. 23. [N.S.] Paris.—"We were yesterday at Versailles, but were put off till next Tuesday for answers to our matters depending. Lady Calverley and her pretty daughter, Mrs. Sherrard, arrived here on Saturday night last, in their way only to Montpellier, whither they intend to be going in ten days' time. Frowd and his spouse set out to-morrow heartily tired of this place. The words that he offended Lord Tavistock and Mr. Howard with are these:—Upon their saying if he did not drink the glass of wine upon his toe they would go away, he replied in an angry grinning manner, rising from his chair without any provocation, that they might both go, he did not care a turd, and would not drink it. So you see 'twas only the manner of speaking that could give offence. I have lately received a letter from Mr. Tonson, but he says nothing in it of his design for Virgil; however, I will go to Bologne this afternoon and talk with him about it, and in my way call upon Rigault and L'Argillière, designing to dedicate this whole evening to painting and brass lamps. I have had a misfortune in my poor coach which will save your reputation; my unruly horse in turning kicked backward and broke one of my doors and the glass

* *Cf.* pp. 391, 396-7, *infra*, and Cole, *Memoirs of Affairs of State*, pp. 98-9.

in it all to pieces, so that it cannot last any longer; otherwise you will say I might have used it for several years. In the meantime I am ruining myself to get another.

"Col. Stanhope and his father by computation were at Bourdeaux five days together without hearing of each other, so that the father is come hither without hearing of the son, and it's believed the son is gone to Bayonne to meet his father. If it had been husband and wife one would have sworn it was done on purpose." (V. 129.)

ABRAHAM STANYAN to MATTHEW PRIOR.

1699, Dec. 26. [N.S.] Paris.—"I have none of your favours (I mean written ones) to acknowledge, which makes me grieve heartily for want of venison, but if you think it necessary to have a little wine to it, you know we are in the country for it.

'He that gives me venison
Shall have God's benison,
But he that gives me venison and wine
Shall have God's benison and mine.'

These you know are the words of a great poet that loved eating and drinking, I believe, better than you do.

"I have been with all the painters and am promised to have your pictures in fifteen days' time, reckoning from yesterday. Bologne has drawn the sketch, but is now altering Horace for Virgil, and finding a place for Æneas. When he has done it, I desire to know if I must pay him for it, and agree for the design. You remember we reckoned the charge would be near 80*l.* sterling, and therefore I desire to have Mr. Tonson's positive orders in the matter, having not had any signification of his intentions from himself. I am very glad to find by my Lord that you are preparing your poem for the press. I hope Your Honour won't let so great an admirer of your works as I am be long without one of them. I wish I could do you justice in the French language, that the wits here may admire your verse as well as your prose, but, alas a day! I can't rhyme. However, if you should upon any occasion use me ill, that shall be my way of revenging myself upon you. In the meantime I think you must make your friend Ben Portlock translate it into Latin verse.

"Would you do a body a real kindness? If you would, you must help an honest helpless brother of mine, whom I had formerly occasion of recommending to you, to some clerk's place in an office. Pray think of it, and do it with such a charming grace that I may know nothing of it till it is done. Such actions well become a great poetical soul. I have no news to send you, but that an ox is roasting next door, of which my Lady, who is big with child, is to have the first cut for fear she should long. We have heard of a Lady that longed for a bull, but never any for an ox, I presume." (V. 130.)

ABRAHAM STANYAN to MATTHEW PRIOR.

1699, Dec. 30. [N.S.] Paris.—"I have yours of the 11th inst., and have done what you require of me in it. I suppose you will laugh at this marriage between Marocco and the Princess of Conti, but 'tis very true that such a letter is come. It pleases her vanity well enough, though you will easily believe it is not like to be a match, she being so much better as she is.

"My Lord Manchester was yesterday with Mons. Torcy, but cannot yet get any answer to his memorials about the *William and Jane* taken on the coasts of Guinea, and Beale the Custom-house officer, now prisoner at Cherbourg. In talking with Mons. Salibai (?), one of Mons. Pontchartrain's secretaries, I found that the report of the Admiralty upon the former was returned, and that it was to be laid before the King the first Council day that should be appointed for examining prizes. I discovered by him that they have no other reason to justify the taking that ship but by pretending that we have no right of trading there. They say the Isle of Goree and its dependencies was yielded to them by the Dutch at the Treaty of Nimeghen, so that they reckon it now as one of their Colonies. At the same time they tell you the King of that country is obliged by treaty to trade with them alone, exclusive of all others except the Portuguese, which destroys their pretence to a colony by owning a King of the country, and grounding their right of excluding us upon a treaty made with him. You will easily foresee this is like to be a pure chicanery; however, since these are like to be the only arguments made use of, my Lord Manchester desires you would inform yourself from the persons concerned of the true state of this matter, that he may be prepared to answer these trifling objections when they are made. I have writ about it to one of the proprietors of the ship, and desired him to wait on you with such informations concerning our right to that trade as they are able to give you, which my Lord desires you would send him as soon as you have them." (V. 131.)

The EARL OF MANCHESTER to the EARL OF JERSEY.

[1699-] 1700, Jan. 13. [N.S.] Paris.—"Since my last of the 6th I am informed that one 240 224 113 280 400 196 240 152 727 (Major Samuel Maxwell), a 1340 887 946 960 (Scot, went from hence) 713 511 120 3 370 (two days ago) for 276 140 356 (Rouen) where one 323 332 114 453 248 137 (Atburthnet*), a 241 113 340 326 130 (merchant) of the same country, is settled, who is to 1161 188 798 (provide him) a 704 (ship) to carry 798 293 1982 1412 394 (him to Scotland directly). When 217 502 198 1034 (he comes there), I am told 217 384 to 1388 1280 (he is to address himself) to the 1340 340 777 of 2071 at 194 356 332 113 630 (Scotch Earl of Gallway at Edinburgh), to whom, it's said, 217 1878 123 1456 127 of

* Doubtless a slip of the pen for Arbuthnot.

2201 (he carries letters of consequence) from 280 642 130 1590 124 (St. Germains), and because it is thought that it may be much for His Majesty's service to have 798 1026 27 (him seized), I send Your Lordship the best 188 122 341 62 100 292 673 254 798 (description of him) I can get. 217 (He) is of about 1351 944 1056 121 254 903 (thirty-five years of age), a very 393 286 157 290 73 74 660 (lusty tall man) with a 1904 182 237 461 27 202 180 and 491 994 216 382 (fresh-coloured face and brown hair), but now 306 323 122 (wears) a periwig. 217 1048 (He was) formerly an 356 282 50 87 (ensign) in the 1340 453 1270 124 (Scots Guards), and served as such in 2063 (Flanders), but deserted about that time that 240 224 112 1750 272 80 280 158 (Major-General Ramsay) got the regiment; however, 'tis probable there are many officers still in it who 810 798 (know him). Since 377 (his) desertion, 217 (he) has served in the 1282 (Irish) forces 640 (here); but having been 273 622 80 28 1021 (reformed since) the 844 (Peace) was willing to undertake 714 (this) piece of 1820 (service). Though I am told 217 272 62 73 28 (he railed) publicly before 217 887 (he went) at the 1776 (late King) for his ill 1192 824 (treatment) of him, he pretends to leave him in great 507 500 712 137 (discontent), and to 1680 216 87 51 804 (venture hanging) in his own country rather than 1827 640 (starve here). I have already told Your Lordship that one 342 323 70 a 1340 30 1006 (Clerk, a Scots priest,) who went by 711 1148 (the name) 202 711 118 182 122 243 (of Father Cosmo), was 437 4 468 (run away) from 960 (hence) with some 1782 (money) of the 1776 123 (late King's), and of several other persons to a 1402 1063 2161, since which I hear that 217 384 370 131 (he is got) to 234 157 188 87 in 1598 1207 (Leyden in Holland, where), I presume, it may not be difficult for his 1621 (Majesty) to get 798 1026 30 (him seized); and I am of opinion it may be very much for his 1621 124 1820 (service), since it is certain that he had a great 442 487 (share) of the 1776 120 1721 (late King's confidence) in several matters. I am in hopes he may be the more easy in an 642 211 408 833 1083 803 (ingenuous confession), because he can have no 362 112 711 118 680 440 354 of 168 298 90 290 211 (further prospect of advantage this way, after having) 340 34 327 194 (cheated) them so grossly; at least when he is 673 180 in 338 121 293 27 158 (once in custody), it will be no hard matter to 357 293 118 133 454 456 453 (extort the truth) from 798 (him). He is a very 290 73 74 453 643 660 817 301 280 50 30 a 796 276 660 407 281 (tall, thin man, long-visaged, a high Roman nose) with a 1904 502 422 357 803 (fresh complexion) which 'tis said here, he 260 642 291 33 (painted), and about 1351 778 1056 128 834 (thirty-eight years old): I believe Mr. Prior has seen him and can 188 124 341 62 172 798 (describe him) more 357 744 394 (exactly).

"I have discovered a correspondence carried on between one 240 224 112 332 112 113 94 144 128 (Major Burrows),

who went from 960 (hence) about 713 1300 122 (two months) ago and abscond[ed] in London and 1558 286 96 144 837 (Colonel Stow, one) of the 164 104 122 642 198 (assassins). I am told the former has a 846 (pension) of a 1830 236 1038 123 a 1056 (thousand *livres* per annum) for writing 1283 (intelligence) to 1943 (Lord Melford), though 286 96 144 (Stow) receives them under 711 1148 (the name) of 680 18 293 118 (Proctor). They are 1412 194 1676 3 243 410 223 461 (directed thus) 680 18 293 118 (Proctor), 340 37 160 (chez), 243 410 223 461 (Monsieur) 300 483 (Veard) 301 123 (vis) à 301 123 280 642 130 182 127 241 277 34 188 233 216 114 261 à 1160 (vis St. Cosme, Rue de la Harpe, à Paris). I have a copy [of] one of his letters by me, which contains no great matter more than virulent reflections ; I cannot send it Your Lordship by the post without hazarding the 1346 (safety) of the 1322 724 210 300 (person who gave) it me, but I shall do it by the first safe opportunity. In the meantime I suppose Your Lordship will think fit to send the 1412 803 (directions) to the 263 286 1314 (Post Office) that all 1456 120 283 284 423 422 341 63 11 27 (letters so superscribed) may be 286 416 136 (stopped) or at least 416 774 (opened). By wha‘ 332 112 113 94 144 128 (Burrows) mentions in the 1456 (letter) 'tis probable some of the messengers know him, which makes me hope he may be discovered.

" There is likewise one 298 298 283 112 (Vavasor) an 327 298 114 248 158(attorney)mentioned in it as a very violentJacobite, under the 1148 (name) of 203 370 (Fego), so called, I am told, from his 127 430 667 804 (squinting). 286 96 144 (Stow) told 171 157 394 (Baily) at the same time that 202 711 112 280 720 188 433 (Father Saunders) had ordered him to give him a 827 36 (note) of his 237 28 51 804 (lodging), because he believed 1776 (King James) would shortly have 1634 622 798 (occasion for him), adding that he would 283 673 (soon) hear of 866 1036 (something) that would 280 114 842 798 (surprise him). I have put B[aily] upon finding out what was meant by that dark expression, but as yet he can make nothing of it. B[aily] tells me that 491 156 197 394 (Bryerly) has obtained 778 158 236 1038 123 (eighty *livres*) for his part of the 1166 120 1782 (Pope's money), and—which is more—1776 122 977 (the late King's leave) to make 880 of it in sending 6 468 (away) his 307 203 (wife) and 340 646 30 273 87 (children) ; having represented to him that he could not 240 642 290 642 1030 640 (maintain them here), but that he had a 491 1316 327 1774 (brother at London) who had 680 402 130 (proffered) to take 760 254 1030 (care of them), so that he is resolved to 860 1030 4 468 (send them away) some time this week by the 468 254 276 300 88 (way of Rouen), and to take the first 1694 (occasion) of 206 76 77 96 146 804 1280 (following himself). I intend very shortly to bring 714 1620 (this matter) to an 384 284 36 (issue) one 468 253 326 1316 (way or another) ; at least to be satisfied whether all that is told me about it be true.

B[ailly] is to 911 (bring) 798 (him) to 1160 (Paris), and then 306 487 (we are) to find some 468 (way) of 331 3 390 (breaking) the 1570 to 798 (design to him), in which I shall lose no time nor spare any pains to make it succeed. I am told that 1944 (Lord Middleton) receives packets here under 714 1 138 (this address) à 243 410 223 461 234 1038 428 280 642 130 223 326 (Monsieur L'evecque Saint Jean), Banquier à Paris. I desire Your Lordship would please to give orders that all 1456 120 (letters) so directed be 416 774 (opened), that we may discover what truth there is in the information.

"I was yesterday with Mons. de Torcy, and showed him the Articles they had agreed on at Hamburgh in order to prevent a war in those parts. He said that he had not yet received them, nor none of the Ministers, but thought it was right what they had done. I do not doubt but Your Lordship has them before now from Mr. Crescett, yet nevertheless I send them enclosed in this.

"King James is rather worse.

"I had forgot to tell Your Lordship Mons. Wryberg did execute the orders he had received concerning Neuchastell, who will send an account of what passed." (VI. 3.)

The Earl of Manchester to the Earl of Jersey.

[1699-] 1700, Jan. 15. [N.S.] Paris.—"I should not have given Your Lordship nor myself so much trouble in my last of the 13th. inst. had I foreseen this opportunity of writing so soon by the son of the Dean of York; nor did I believe it worth an express; though I cannot tell but some use may be made. The enclosed is the letter I mentioned from one Major Burrowes to Stow, one of the assassins, who is in the faction of Lord Melford. The true name of Fego is Vavasour, an attorney; F.S. means Father Saunders; Lewis is the person that brought these horses into France, who formerly belonged to Lord Feversham. It may be proper to open at the Post Office all the letters that come with either of these directions; which may give you some light into matters here; but to tell you plainly my thoughts, I cannot think there is any method taken now at St. Germains; the late King being so ill that he cannot last long. I find most of that opinion; nevertheless, I was glad to hear the King had ordered a proclamation in Scotland, since it is there where they expect most good. It is said now at St. Germains that there is a rising in Scotland, and that they have declared themselves for a Free State, which I am far from believing, only it shows where their thoughts are. Major Samuel Maxwell is certainly gone thither with some directions. They had that confidence in Cosmo, *alias* Clark, that the Duke of Berwick lent him his calesh, thinking he would return the same day, but he went with it to Leyden; and since they hear he is at Amsterdam. He knows the whole proceeding of that Court, so that if he could

be taken he would soon confess all he knows, there being no prospect for him to return hither.

"T[ooth] tells me that Major Richard Bozier who lives at the upper end of Red Lion Street, and frequents the Bear Tavern in Holborn, near Bloomsbury Square, with one Mr. Fleetwood, who keeps him company, were concerned in sending Goodman away as Obryan knows.

"Mr. Minnis, who went from hence in August last, corresponds with Lord Middleton, as also one Netterville. I believe Mr. Prior knows them both.

"I take all the care I can to know the steps of those fellows that were in the assassination; they do not appear in public, as they did when I came first; I cannot see any kind of danger but from such villains. Father Saunders' expression to Stow, that King James would shortly have occasion for him, I do not like. Whenever any of them are missing, I will give Your Lordship notice, though I hope none is admitted near the King but such as are known.

"I have received Your Lordship's of December 28th with orders to concert with Mons. Vryberg concerning Neuchatell; the letter he had the post before did mention that I should have such directions; and as the case stood with Madame de Nemours, we took the first opportunity of doing it. Mons. Vryberg has sent the account of what passed to His Majesty; we are of opinion, nevertheless, that the next time I see Mons. de Torcy, I should let him know, I had also received the same orders, and so leave it. Madame de Nemours is resolved not to revoke her Governor, and is preparing to go to her house, fourteen leagues from Paris in pursuance to the orders she has received: I could wish something could be done for her, though I cannot see how well the King can concern himself in that affair." (VI. 5.)

Matthew Prior to Abraham Stanyan.

1699–1700, Jan. 8[–19]. Whitehall.—"On Saturday morning we had three posts from France, the 2nd, 6th, and 9th, and yesterday we had a fourth of the 13th. I am looking over all these from you, and I think I have little more to do than to acknowledge them.

"I hope you have all the pictures by this time in your own hands; here are my verses, which, let me tell you, everybody here says are admirable. Davenant's book is highly saucy, but I think it has done no real mischief, to our friend in particular, though in general it was and is a hint to shew everybody where they should be angry.

"I hear nothing of young Davenant's marriage, but I know him so well that I expect the worst things of that kind from his conduct.

"As good verses might have been made by a true Maroquin as those you sent me, I thank you for them, however, since, if you had had better I presume you would have been equally

liberal of them; I had them, too, from Abbé du Bois, from whence I infer that he thought them good. Pray send me *Jonathan* as soon as he is printed, and indeed all dramatic poetry. Pray ask me for no more poetry either sublime or burlesque, for henceforth I will write no more verses.

Exceptions to the foregoing rule:—

"To-morrow night Batterton acts Falstaff, and to encourage that poor house the Kit Katters have taken one side-box, and the Knights of the Toast have taken the other. We have made up a Prologue for Sir John in favour of eating and drinking, and to rally your toasts, and I have on this occasion four lines upon Jacob. We will send you the whole Prologue when we have it together.

"N.B.—My Lord Dorset is at the head of us, and Lord Carbury is general of the enemy's forces, and that we dine at my Lord Dorset's, and go from thence in a body. How my health will answer to this, if you should ask, since I came from the Gravelpits but on Saturday, I answer that I only sit down to table when the dessert comes, eat nothing but roasted apples, and drink sack and water.

"I will think of the books, and of everything else in which I may serve my Lord Manchester, as soon as my health lets me tumble a little more freely amongst my papers than I can do at present.

"The Savoy Ambassador makes his entry to-day, as Mr. Yard will tell you more at large in the *Gazette* next Thursday; this is a return, or, as we call it, an equivalent for what you say of the Portugal Ambassador having a mind to make his exit." *Copy.* (XII. 386–7.)

MATTHEW PRIOR to DR. [HUMPHREY] GOWER, MASTER OF ST. JOHN'S COLLEGE, CAMBRIDGE.

[1699-] 1700, Jan. 9[–20]. Whitehall.—"I will not so much as endeavour to make any excuse for my long absence from the College; it is easier to confess the fault and throw myself wholly upon your goodness. I have long intended to come in person to Cambridge to ask your pardon there, but since my return to England a very ill state of health and a very great deal of business have withheld me. I hope, however, in some time to beg a week or ten days to wait on you and to assure you that, as I have great obligations to the College, and most particularly to the master of it, so I shall always endeavour to shew myself not wholly unworthy of them by bearing an entire affection to the society, and a very true respect to him who governs it. Your pupil, my Lord Jersey, has been pleased to accept of me in his office, from which place I ought rather to send you good prose than indifferent verse. I will promise you that this is the only folly of this kind that you shall ever have from me, and that I am a little ashamed of playing the child at thirty-three, though my friends at Co[urt] buoy me up (too partially, I am afraid) in the frolic; whatever I write,

Sir, you have a right to it, and in what condition soever I am you must command me." *Copy.* (XII. 390.)

MEMORANDUM.

"The letter of the 8th January directed to Mons. l'Evêque, le Jeun [*sic*], Banquier à Paris, contains in substance that Lord Bazil [Hamilton] was here not admitted to see the King, that in Scotland they said no Darien, no K[ing] W[illiam]; that the petition of Scotland was signed by seventy thousand hands, that my Lord Queenborough and all the great men there have set their heart upon Darien. '*Orpin will come off with a scratched face at the end, I say*'; and in another place, '*Orpin courts all parties, loves cordially no party, sneaks and cringes.*' 'Why does not Count Tallard press Q[ueen] M[ary's] 50,000 pounds?' The rest was upon several heads of news that occurred here; and it concluded with the author's being sincerely, faithfully and cordially, servant to the master and mistress." *Copy.* (XII. 391.)

ABRAHAM STANYAN to MATTHEW PRIOR.

[1699-]1700, Jan. 20. [N.S.] Paris.—"I received the last post two letters from you of the 1st inst., one about the extravagance of my extraordinaries, and the other about Dr. English; as to the former, all I can say to it is that since my bills are thought too large, I shall mend next time, though 'twill go much against the grain till I obtain the bounty money. As for the latter, I don't know what's become of him, there's no news of him either at Lyons or here. The Savoy Ambassador's entry differed from ours, and, which is worse, from that of Venice in two essential points, first, that Mons. Torcy's coach did not assist at it, because the Ambassador was not willing it should go before his, and he would not let it go after; therefore it did not go at all; and, secondly, that Breteuil's coach led the march, which is the point you know they have been so long labouring for. As to that, the Ambassador says it was done by surprise, and that he knew nothing of it, which, if true, makes Breteuil a very saucy fellow. However, the ministers here take great notice of these two marks of distinction between him and Venice, at this time especially when the alliance gave them reason to hope for more favour than others.

"I hear from Rome that my Lady Salisbury is fallen sick of the small pox; what danger there is of her life is not said, but I'm sure you'll agree with me there's none of her beauty."

"We have had scarce any new books or plays since you went. There is published a little book called a '*Suite des Mœurs de ce Siècle*,' by Bruyère, which I believe may be genuine; if you have a mind to have it, you shall. De la Fausse [*sic., i.e.*, Antoine de Lafosse], the author of *Manlius*, who, I think, is known to you, has lately written a play called *Thésée*, which has been acted several times with great applause;

I have not yet seen it ; when 'tis printed I will send it you. Mons. Rousseau is very much your servant, and desires me to tell you so." (VI. 6.)

ABRAHAM STANYAN to MATTHEW PRIOR.

[1699-] 1700, Jan. 23. [N.S.] Paris.—" My Lord Manchester bids me tell you he was in hopes you would have sent him your verses [*Carmen Seculare*] which came out on New Year's Day, since you cannot but know he longs to see them, as well as the long-expected catalogue.

" The Court of St. Germains is very intent upon those little heats that have lately broke out in Scotland, and do all they can, you may be sure, to foment them, looking upon this as the last push they shall have for recovering their lost game, but I doubt not His Majesty's prudence will easily disappoint their expectations. But what sounds foolish enough is that the late King cannot help owning he is jealous of a certain Duke [Hamilton] there, who is very busy, and believes he is carrying on designs for his own good rather than for that of St. Germains ; insomuch that I have been told it has been debated in his Council whether his party in that kingdom should act in concert with the other, and at last it was resolved that the more disturbance there was 'twould be the better for him. We have various reports about it, and therefore my Lord desires you would send him word whether Lord Bazill Hamilton has presented any address to the King about the Scotch affairs, whether he offered any and was refused, or whether he has any to present, and likewise that you would let him know what effect the King's proclamation in that kingdom has had, or whether they still go on in their tumultuary way of petitioning." (VI. 7.)

The EARL OF MANCHESTER to the EARL OF JERSEY.

[1699-]1700, Feb. 16. [N.S.] Paris.—" Upon the receipt of Your Lordship's letter of the 25th past,* I ordered Mr. Stanyan to discourse B[ryerly] upon the two points contained in your answer ; viz., what service in particular he was able to do, and what reward he expected for it; which he accordingly has done, but not with an entire satisfaction, several hours being spent in disputing before B. would answer either of these questions, still pretending very unreasonably that we were to tell him what service was expected from him, and then the King might best judge what it deserved ; nor would he at last declare any points in particular wherein he could be useful but said he would answer in general terms to any questions that should be asked him ; and because I had foreseen by the last meeting he might still make the same difficulty of discovering anything till the agreement was made, I gave Mr. Stanyan some interrogatories which I had received from

* *Cf.* Cole, *Memoirs of Affairs of State*, p. 101.

Baily, and which he questioned him about at last, finding he would say nothing of himself. I send Your Lordship enclosed a copy of them with his general answers to most of them: he added that he could do service in several other matters not contained therein, and would very heartily do it when he had once given his word, but the reason why he insisted upon knowing what service in particular was required of him was the fear he had of being neglected when our Court had no longer occasion for him under pretence that he had not performed what he promised nor discovered anything but what we knew already, and I am apt to believe that may be the true reason of his shyness. The same reason makes him insist upon fixing the gratuity he is to have for his pains, as to which great endeavours were used to persuade him to refer himself to the King's bounty, which would be greater or less according to the service he did. Your Lordship will easily believe we did not forget on one side to enlarge upon the advantages of the King's pardon and liberty to his native country after having so notoriously offended against both; and on the other to set before his view the long train of miseries he was to expect here, that he and his family was now left to starve, and would be yet in a worse condition if the late King should die; which 'twas probable he would in a short time; that he was forbid to come into his presence . . ."

Fragment endorsed :—Answered Feb. 15, 1700. (VI. 10.)

The Earl of Manchester to the Earl of Jersey.

[1699-] 1700, Feb. 24. [N.S.] Paris.—"The last I received from Your Lordship was February 5th; as to *la personne dont il s'agit* mine of the 16th has given some satisfaction, I hope. What you write concerning 661 273 (Mayre)† I have discoursed Bayly, but cannot give Your Lordship any further light than what I have already done, only it is certain he knows all the intrigues of that Duke [Hamilton]. I am assured that 274 340 483 283 87 837 of the 164 280 121 122 642 198 (Richardson, one of the assassins,) described in the 680 342 4 240 1350 887 946 960 (proclamation, went from hence) three days ago to 630 617 (Ghent). His business is to settle some accounts with one 272 158 (Ray), an 1576 660 (Englishman) who has set up a sort of 240 408 202 18 294 273 254 216 296 (manufacture of hats), and has lived there ever since he 491 96 230 1162 (broke prison) in 1577 (England), where he was clapt up for 762 197 203 386 804 357 340 36 20 230 113 173 73 74 122 (counterfeiting Exchequer Bills). I am told he will stay there three weeks, and may easily be found with that man in case His Majesty pleases to have him 1026 27 (seized). Some days ago went from hence for England one 276 880 (Rouse), who formerly rode in the late King's Guards, but has of late been employed as a messenger; he is of a little stature, rather thin than fat, of a fresh complexion and dark

† *Cf.* ib. pp. 96, 100.

brown hair, aged about thirty-eight ; one 260 112 432 (Parry) set out at the same time ; he is of a fair complexion marked with the small-pox, a little man, full bodied, and aged about 43 ; he was formerly a servant of the late 1781 254 263 367 127 (Marquis of Powis), but now 306 323 120 (wears a) 657 432 (livery) of the 1776 (late King). 356 250 124 (Ennis), whom [*sic*] I formerly told Your Lordship was come hither from 927 216 242 73 293 88 (Duke Hamilton), is gone back again to 1082 (Scotland), as 'tis thought by the 468 (way) of 1577 (England). About a fortnight ago forty-two Irish officers were broke upon pretence of their having been absent from their regiments, though they were reformed before ; it is said they have thoughts of going to Scotland, in case there be any likelihood of disturbances in that kingdom. I have enclosed the answers concerning some matters that were still depending, and Your Lordship will find they are much readier than formerly to do us justice. By the next post I shall send that of the Guinea ship, which, I find already, will consist of such reasons that cannot be allowed. I hope the main point will be that we have no right to trade in those parts ; we are to deal with an African Company where some of the greatest men are concerned, and it is their interest to have the ship condemned as lawful prize." (VI. 13.)

JOHN MACKY to the [EARL OF JERSEY].

1699–1700, March 12[–23]. Dover.—" Your Lordship desires to know who this Mr. Nosworthy, *alias* Powel, is ; he married in King Charles's reign a daughter of Serjeant Maynard's, the great lawyer, and at that time was one of the great sticklers against the Court, but having a trial at law with Sir William Basset for an estate of twelve hundred pounds a year, he turned Papist in King James's reign, and by that means obtained his cause. He went to France with King James, and hath been ever since a great man with him, and indeed esteemed one of the best heads about him ; he was always a great man with Melford, and stuck close to his party to the last, but my Lord Midletone and others having the better of that party at St. Germains they have thrown him out, and for that reason he hath left Paris with a design to come to England if he can. He is now at Boulogne, and Browne is gone thither to be with him, who will certainly give us an account of his motions. Your Lordship may remember that, when I was last in town, you told me that you had advice that this Nosworthy had left St. Germains with a design to come for England, and you was then pleased to order me to write down immediately to this coast to observe him if he landed. If Your Lordship pleases to look over that letter which you received from Paris last January, perhaps it informs Your Lordship more particularly about him.

" All the priests and other disaffected people go now most frequently in one William Reid's ships that goes constantly

betwixt London and Dunkirk, and is very well known at the Custom house in London. This Reid turned Papist some few months ago at St. Omer, and is now chiefly entrusted, as Browne informs me. I have therefore ordered Browne to be as frequently at Dunkirk as at Calais, and although there is no great danger to be apprehended from those people, yet I believe Your Lordship will be pleased to know what they do, and who goes backwards and forwards." (V. 30.)

The Earl of Manchester to the Earl of Jersey.

1700, April 17. [N.S.] Paris.—" The reason I did not write the last post Mr. Prior will have acquainted Your Lordship; there is little alteration in the affairs here, only that Palmequist has had a private audience of the King, wherein he delivered a letter from the King his Master and at the same time, as his orders were, did acquaint this King of what had passed in relation to the King of Poland, and did demand his assistance as guarantee and mediator of the Treaty of Oliva. I find he also assured the French King that the Treaty of Alliance which Sweden had lately made with England and Holland, there was nothing therein contained contrary to his interest, that it was not yet ratified, and he supposed that His Majesty would also be informed of it. The French King's answer was that he believed he was already acquainted what steps he had taken, that his Minister in Pologne had orders to do all the good offices that were possible to bring matters to a good understanding; that he might assure his Master he would contribute all he could to the quiet and peace of Europe; that since he had assured him there was nothing contrary to his interests in the last alliance his Master had lately contracted, he would believe it, though he should be able to judge better when he saw it. This account I had from himself, and he is of the same opinion as I am, there is little to be expected from this Court further than good offices.

" I am told, though Mons. de Torcy did not acquaint me of it, that the King of Pologne has engaged to this King not to assist nor concern himself with the town of Dantzic in any thing that may happen between France and them; this, I find, was also an inducement that made Mons. du Heron be sent. I suppose they will expect some submission from them, as also I hear they pretend to support their Ambassador at the Porte even so far, if there be occasion, to declare war against the Turks; if so, I think it will be pushing this matter very far with the loss of their trade; which France cannot well spare, having at present little elsewhere. It is certain they are fitting out six great men-of-war at Toulon. Mons. Spanheim seems very uneasy that it should be thought in England, as he says it is, that the Elector of [Brandenburg] his Master was not as zealous as any other to prevent a war in those parts, and used several arguments to me that the Elector

could not do otherwise than what he has done, that he had writ very pressingly to the King of Denmark, and also to the King of Pologne, that he had refused him any assistance of his troops, which he desired of him, that by all the advices he had from Berlin he was satisfied the Elector desired nothing more than to act to the liking of the King, and hoped I would take notice of it when I writ next. I told him I would not fail, and that I did imagine there was the same good understanding as ever between the King and the Elector, that, as he knew very well, the reports we have had here that the King of Pologne had taken his measures with the Elector, etc., though we have now reason to believe the contrary, so these things may have made some impression in England, though I could not tell they had; besides the Elector not having thought fit to declare himself so fully as the guarantees have done may have given some grounds for these suspicions; he owned what I said was true, but said, as the Emperor was also mediator, it was not proper for him to declare himself more fully till the Emperor had done it; besides, the situation the Elector was in obliged him to be more cautious than others, not knowing as yet the resolutions Pologne would take, which made it more necessary for him to be on his own guard. The Countess of Berlips is soon expected here, Mons. de Torcy having dispatched the passes and sent them to meet her on the way; Mons. de Zinzendorf would have taken care of them, but they chose rather to do it themselves in order to oblige her the more.

"I must beg the favour of Your Lordship if you think it not too much presumption to assure His Majesty of my most humble duty and the great obligation it would be if the King would do me the favour to christen my son; if I have it, the Duke of Grafton will be the other with my Lady Sunderland; I hope Your Lordship will pardon this." (VI. 22.)

JOHN MACKY to the EARL OF JERSEY.

1700, April 9[-20]. Dover.—"Browne is returned to Dunkirk from Bruges, and writes me a confused letter referring me to a former which never came to my hands. He says in this that my Lord Kildare keeps open house for all the Irish, and that Mr. Rookwood, a Suffolk gentleman, and Mr. Apleby, a Yorkshire gentleman, with several others live with him at Bruges; that my Lord Ailesbury is married to a lady of that country, and that they are very glad that Obryan proves stiff.

"He also tells me that Bayly, King James's poulterer, landed at Dunkirk with Mr. Rotier, the engraver, and George Ward, the attorney, that the two former are gone forward to St. Germains, and the other with Mayres and Crichton (confessor to the English nuns at Dunkirk) are gone to St. Omer. This Bayly, the poulterer, was sent over from St. Germains about three months ago; some of his messages fell into Mr.

Secretary Vernon's hands, and a letter from Sir William Ellis to him (desiring him to make haste back so soon as R. could dispatch him, for it was of consequence) was intercepted, and we have had people looking out for him all over this coast, but Reid and Gallaway carry all these people immediately from London. Ward is he that solicited Your Lordship by Harry Killigrew for a pardon for killing a man, and one Peters that went over with him is brother, as Browne says, to Father Peters.

"Bayly came over in a boat from St. Valeries, which was hired for him by Harry Griffin by King James's order, and Reid is just now ready to sail from Dunkirk to London.

"This, my Lord, is the substance of what Browne writes, which I think myself obliged to communicate to Your Lordship." (VI. 19.)

The Earl of Manchester to the Earl of Jersey.

1700, April 21. [N.S.] Paris.—"I am told that one Richard, 500 248 73 78 (Connel), brother of him that was seized at 237 93 (Loo) last year, who is now a lieutenant in the Regiment of Picardy, went from Dunkirk for England some days ago, but does not yet himself [know] what he is to do there, as he writ to his wife. I am likewise assured that there went from hence for Rouen two days ago one 230 76 394 (Kelly), where is he to embark on board a Scotch ship that is to land him at 234 62 453 (Leith): he is said to carry with him commissions and other papers of consequence, and has the 216 18 294 273 128 (pictures) of the 1776 (late King) and 2324 (Prince of Wales), which will be a mark to know him by. 1134 390 286 673 (Lord Kingston) and one 1403 868 197 233 87 200 (Captain Sutherland) both 1340 123 (Scots), set out yesterday for Rouen, and are to go on board a Scotch ship; the master's name is 343 174 461 91 (Colebourne); the ship's name I cannot learn; he has undertaken to land them in some unsuspected place in 1982 (Scotland) and 'tis probable 230 76 394 (Kelly) may pass in the same vessel.

"I am positively told that the 1776 (late King) has actually 273 242 133 137 194 (remitted) 713 1758 1830 236 461 198 (two hundred thousand *livres*) to 1982 (Scotland) but cannot learn 673 724 80 711 173 73 78 124 (on whom the bills) are 770 90 (drawn).

"As to *la personne*, I cannot hear of him, and suppose he may 1707 (abscond) among the rest of the 341 34 144 (crew) upon a report spread here that 1917 (His Majesty) is persuading the 1743 761 (French Court) to 1568 1030-721 (deliver them up): whether true or no, 'tis certain they believe it, and have orders from the 1776 (late King) to 394 500 180 4 76 30 (lie concealed), and for their encouragement each of their 846 121 (pensions) is 642 341 34 164 28 (increased) 713 1758 (two hundred) and 1423 236 461 198 (fifty *livres*).

"As to 372 166 34 (Grace) I shall send your Lordship some account of him by the next post." (VI. 24.)

The Earl of Manchester to the Earl of Jersey.

1700, April 21. [N.S.] Paris.—"Upon receiving Your Lordship['s] of April 1st O.S., I took occasion to discourse further Mons. de Torcy concerning the affairs of the North, where I acquainted him how well satisfied the King was with the account I had given him, and that he did not doubt but France would take such methods as were proper to prevent those mischiefs. I then enlarged. as from myself, that it might possible [*sic*] be, the reason why Denmark has not agreed to any accommodation is that they might still flatter themselves that, since France had not declared against them as others had seemed to do, they might possible [*sic*] at last be of their side; he repeated again the order the French King had given his Ministers, &c., and that I might assure the King that there should be no step taken without his knowledge, nor any treaty whatsoever but with his approbation, and did own, the true reason that made it not proper for this King to declare against either Denmark or Pologne was that it might have that consequence, when they found themselves wholly abandoned, they would then make with the Emperor what conditions he thought fit, which might in some measure defeat what had lately passed, especially since most Princes are to be included, and endeavours used accordingly: this makes them more cautious, and I am apt to think the Court of Vienna is of the same opinion, not to disoblige the King of Pologne: time will show which way he inclines; I rather believe it will be to France. Mons. de Torcy told me that England and Holland had pressed that France would send a squadron to the Baltic, but said there were no occasion of them, they being sufficient, besides not advisable at this juncture for the reasons he had mentioned. I do find also by Mons. Meyercroon that this Court will not contribute to the peace of those parts otherwise than by good offices, though I do believe Denmark has made them all the offers and promises that were possible to engage them.

"I have again pressed Mons. de Torcy about the effects taken by Du Bart on board the Dantzic ships; he tells me that that town is sending deputies hither, that, if I could get a true state of those goods and also their value, care should be taken of it; provided the deputies do own they did belong to the English.

"I have had a good deal of trouble, but I think I have prevented the son of Count Boselli's going for England.

"Mons. Palmequist has received orders to wait on me in the manner I desire. I suppose Mr. Stanhope is to do the same in Holland to the Swedish Ambassador." (VI. 25.)

The Earl of Manchester to Matthew Prior.

1700, April 28. [N.S.] Paris.—"I was very glad to find by yours of the 11th that the Parliament was up; if their proceedings are like to be the same, it must at last bring us into confusion; I should have answered yours concerning Mr. Smith but that I was not come to any resolution. I have now fixed that matter with Mr. Lewis, a relation of Mr. Stepney, and who was with him all the time he was at Berlin: he is one that I can rely on, and knows very well Paris and those sort of persons we are to deal with. I cannot but take it extreme kind of you and return you many thanks. I hope I shall hear from Lord Jersey the next post, for we cannot christen the child till I know."

Postscript.—"Yesterday the Duchess of Berwick, newly married, appeared at the toilette of Madame de Bourgogne and dined at Madame de Lude's. I was very near her; you see how the world goes; I have writ to Lord Jersey what I know as yet of Madame de Varennes." (VI. 27.)

The Earl of Manchester to Matthew Prior.

1700, May 5. [N.S.] Paris.—"The Court being at Marli, Mons. de Torcy will not be at Paris till to-morrow, so you must make my excuse to Lord Jersey that I do not write this post. I am to tell you that my wife lays all the fault on you that we have not yet heard if we may give the little one the King's name, and without knowing positively, I dare not venture. You see what you are like to bring on yourself, so that at present you are a little out of favour and will be unless we do hear by the next letters. I shall do all I can to serve the University, and shall take care about the Horace, when I have it. Mr. Stanyan will acquaint you how that matter stands, it being seized at Dieppe. I have not seen for some time the Archbishop of Rheims, and I believe he is gone to his diocese. I did imagine the King would not allow anything in relation to another secretary, and did not intend neither to desire it. You may think Mr. Lewis or any other would be glad of it, and it has been their own doing, for two or 300*l.* per annum more or less will not make me uneasy. I should think, as this will save the King considerable, it will be a reason for the Treasury to pay my allowance as it comes due. I need not tell you I have any thoughts of growing rich; if I do not make my circumstances worse hereafter is all I desire. To-morrow dine with me several of the great men of the Court, amongst them will be the Maréchal Villeroy; he will certainly ask after you, as he often does. The little hope our friends at St. Germains have is now in Scotland, and if that fails, all things will be quiet till the next meeting of our Parliament. I should think [if] instead of a change in the Ministry we had a new Parliament, it would be more for the King's service; not much good can be expected from a last session. We hear

that the King intends for Holland this summer, when it is certain, pray let me know." (VI. 28.)

The Earl of Manchester to William III.

1700, May 5. [N.S.] Paris.—"The liberty I take is occasioned by the Venetian Ambassador here, who in the name of that Republic came to acquaint me in order to let Your Majesty know that the great obligations they owed Your Majesty and the desire to continue always in your good opinion had made them appoint Mons. Mocenigo their Ambassador in ordinary to reside in England, and that he was to set out very soon; he afterwards did insinuate as if that Republic hoped Your Majesty would send also a minister there, and said all that resided at Venice generally had the character of Ambassador. The answer I made was that I would not fail to let Your Majesty know what he told me by order of the Republic; that I could not tell what your intentions were; neither did I remember any minister from England that resided there ever had that character. I need not tell Your Majesty on what principle that Republic acts. The great esteem and veneration all Europe has for Your Majesty, which, I must confess, they have been long finding out, and the advantage they have received and may still at the Porte makes them seek your protection. I beg leave to return my most humble thanks for the honour I have lately received, and as it is still a further mark of your favour, so I hope my actions will never deserve the contrary, since I have no other ambition than to study your service in all that lies in my power, which I hope Your Majesty is satisfied of by my Lord Jersey." (VI. 29.)

The Earl of Manchester to the Earl of Jersey.

1700, May 8. [N.S.] Paris.—"I have recommended to Mons. de Torcy the affairs of the North, and have so fully discoursed that matter that I cannot but think they are very sincere, and will take the best measures they can to procure an agreement; that Mons. Chamilly had orders to make a new proposal, viz., that neither side should erect any forts during the Treaty of Pinnenberg, that all the troops should withdraw only such a small number as was to be agreed on by both parties; and a time limited for the examination of the case in question, and all sides to acquiesce in the determination; he could not tell whether this would be accepted, but that he had declared to the Ministers of Denmark and Pologne by the King's order they were not to expect any assistance from hence, and that it was with much difficulty this King did not declare against them, since by the Treaty of Oliva and the instances and solicitations of others did [*sic*] in some measure oblige him; that he hoped they would consider their own interest and contribute what they could to bring

matters to a good conclusion. He said also their own Ministers had the same orders. He did not wonder that I pressed him in this matter, since he found that the King had discoursed Mons. Tallard about it; that it was very true the Ministers of Denmark, etc., in all places did endeavour to make it believed that this Court was very well pleased with what they did; but did desire I would take off all such suspicion, and assure the King that no treaty nor alliance should be renewed with them till the affairs of the North were settled; that the reason they could not proceed otherwise at present was the measures they were obliged to keep, lest it should force them entirely into the Emperor's interest, which at this juncture might be of ill consequence. I did also desire him to let me know when he would mention the late Treaty* to the Emperor's Minister here, and what measures they intended to take, that I might act conformable to them. He said he should not take notice of it to him till Tuesday sevennight, that they should send order to Mons. Villars with a copy of the treaty to communicate it to the Emperor; and at the expiration of eight days afterwards, in case he has no answer, to send back the courier, and to declare this King will take it as a refusal; that, lest, if it should so happen, the Emperor might engage the Pope, the French Ambassador there is to communicate it also, with a desire to have it kept secret. They also think to do the same to the Republic of Venice, and will impart it to their Ambassador here about the same time he mentions it to the Emperor's Minister. As for Spain, they thought it not yet proper, saying they should now soon see the success of this great affair; that the King would have the honour of it; that the case was extremely changed in two years; that the French King had now all the obligation and interest to wish the welfare and life of our King, assuring me the great concern he was under some time this winter, when they heard from Mons. Tallard the King was a little indisposed. This, I take, is not unlikely, it being plainly their interest, else I should not easily be persuaded of their good intentions. I wish it was so elsewhere. I cannot yet learn whether the commander or any of those persons that came from Cartagena are still at Paris; the next post I hope I shall be able to give some account of them.

"I have taken the liberty to write to the King, the Venetian Ambassador having waited on me in the name of the Republic to acquaint the King (with a great compliment) that they had named Mons. Mocenigo, of great distinction among them, their Ambassador to reside in England; that he had orders to set out as soon as was possible. I find they are in hopes the King will also send thither. I have also taken this occasion to return my most humble thanks for the late honour the King has done me. I fear to be too tedious;

* *I.e.*, the second Partition Treaty.

therefore shall acquaint Your Lordship another time what further occurs." (VI. 30.)

The Earl of Manchester to Matthew Prior.

1700, May 8. [N.S.] Paris.—" So soon as I received yours from Hampton Court we christen the child; so that matter is over, but must tell you we was impatient to hear, for till then you had not mentioned the King would let me have that honour. I send Roger over with the *sage femme*. I have writ to Lord Jersey, and, I suppose, there will be no occasion to keep him long. I must tell you Mr. Stanyan knows nothing of the great affair, nor that which relates to 444, 467, 62, 484, 196, 236, 120 [Sir William Ellis*]; neither is it convenient he should, for he always declined seeing him on that subject, and would only trust the Church

" You talk of alterations in the Ministry; I hope Lord Chancellor will continue, though the usage he has met with is no great encouragement. Brocard presses for money, and I have let him have ten *louis* for the present. I do not find he is very diligent, and it may be there is not much to know." (VI. 32.)

Abraham Stanyan to Matthew Prior.

1700, May 18. [N.S.] Paris.—" Yesterday evening I received yours of the 2nd inst. from Hampton Court about your former commissions, and shall be careful of performing them to your mind. As to the pictures, Rigault has almost done 'em. And for the etched figures, when I have an answer to my last, the Duke of Somerset shall soon be satisfied. I will go this afternoon to La Garde, and take my judicious friends with me to examine the brazen vases. I will likewise do what I can to moderate the conditions the Abbé de Brignon would impose upon you, which, I must confess, are very hard in my opinion. I was promised to have the answers of your letters to send by this post, but they are not come.

" You gave me leave to assure Count St. Maurice some time ago that you would write to him in a post or two, but have not kept your word, which makes us both uneasy. I excuse it as well as I can upon the present hurry I imagine you are in; however, I hope you don't forget him, nor my orders to return home, which I am now ready for, and should be glad to receive. The Countess d'Auvergne is now a better Catholic than most of the new converts here, and has been several times at Mass, which is all the news I have to send you." (VI. 36.)

The Earl of Manchester to the Earl of Jersey.

1700, May 19. [N.S.] Paris.—" Yesterday Mons. de Torcy acquainted the Emperor's Minister of the whole affair; who

* *Cf.* Cole, *Memoirs of Affairs of State*, pp. 111-112, 117, 121, 126, 128.

seemed mightily surprised and complained much of the proceedings of our King, taking notice how many engagements had been made between his Master and him; to which Mons. de Torcy answered he thought he had no reason to complain, after what had passed on that subject at Vienna, and that the Emperor had been informed of every thing that was now agreed to, that this matter was not of a new nature, for that there had been a secret treaty between the Emperor and France concerning the succession of Spain in 1668. When I saw Mons. de Torcy, he told me all that had passed, and I was glad to hear of this secret treaty being a good argument to Mons. de Zinzendorf, as you will find afterwards. He soon took notice of it to me and began much in the same manner. I told him I wondered to see him so much surprised, since for some time he always assured me there was such a matter in agitation, and that it was concluded; that if he would consider a little, he would be then convinced that the King had not only considered the interest of Europe, but that in particular that of the Emperor, that what might be very doubtful, and even not likely to obtain by a war might now be secured, if they pleased. He said what faith could be expected if the Pyrenean Treaty and the renunciation that France made was not valid? To which I answered that I did believe the Emperor did not take it to be a full decision in relation to Spain, else he would not have made a secret Treaty with France in 1668, wherein he yielded much more, as I was informed. I then proceeded to show him the situation of affairs, the power of France, the interest they had in Italy, as also in Spain; besides, what he had often told me he feared the Spaniards would declare themselves for a Prince of France, I was of opinion he would at last think this was the only way to prevent it, and that they had it now in their power. Upon the whole matter he seemed much otherwise than at first, and begins to be satisfied the King could not obtain better conditions, and thinks the only difficulty that will remain will be in relation to Milan, which I left him to judge whether he thought the Princes of Italy would be contented that either France or the Emperor was master there. After this discourse he went again to Mons. de Torcy, and desired a copy of the Treaty, which he said he would send him, and then made him some proposals as from himself, that he might be better able to inform his Master; which he afterwards acquainted me with, which I send Your Lordship in his own words as well as I can remember. He is now so apprehensive lest Spain should declare themselves for France, as you will see by the questions he asked Mons. de Torcy, that he will do what he can, and it is thought here he is well with the Emperor. He sends this day an express to Vienna, and I think to Count Harrach in Spain, as also does the Spanish Ambassador, who[m] Mons. de Torcy has acquainted and has given him a copy of the Treaty; he only said that it was a

matter above his understanding, but would not fail to inform the King his Master of it. The Venetian Ambassador is also acquainted with it, and Mons. Callières goes this week to the Duke of Lorraine to notify it to him, so Your Lordship may judge it will not be long a secret.

"The news we have here is that the truce between the Muscovites and the Turks is concluded, that the King of Denmark has declared to the Emperor's Minister that he cannot accept of any mediation but from France by reason the mediators and the guaranties have showed themselves too much in the interest of the Duke of Holstein.

"A nephew of Berkenhead and of the same name, though it is believed [he] goes by another, is gone some time for England, he is to be heard of at Evans, a hair-merchant, in the Old Baily; it is thought he is doing no good there." (VI. 39.)

The Earl of Manchester to Matthew Prior.

1700, May 22. [N.S.] Paris.—"I had the favour of yours by my servant, and am obliged to you for letting me know what passes with you. I do not doubt but the King will take such measures as will be for his service, and should be sorry if the Whigs should carry themselves so as not to be as zealous for the King's interest out of employment as ever they was, when they was in. You may easily think Lord Somers cannot but have a great many friends, but they may show their friendship and yet continue their duty to the King; I suppose all affairs are to be managed by other hands, which I hope will make the Parliament more reasonable, though I very much fear it, and it will be well if they do not come at last to name our Ministers; for my part, as I have always acted on a principle with little regard to my own advantage, so I shall continue, let the consequence be what it will.

"The discourse we have here is that Lord Jersey goes for Ireland, and you will hardly quit him. It will be a concern to me, having now to deal with a man of honour and one who is true to the King; nevertheless, if so, I heartily congratulate him.

"I was in hopes by Roger to have received what I desired concerning 444, etc. [Sir William Ellis], they seeming much more inclined to act sincerely since I have assured you they would receive a letter. I believe the hurry you are all in gives you no time to think of such matters, neither do you mention that 1110 [Grace*] is come, though I suppose he is, by reason Mr. Mackay paid him the money I ordered at Dover.

"We have no other discourse here than of the Treaty concluded, which is no longer a secret, even the very particulars of it. I have not yet learnt what St. Germains thinks of it.' (VI. 43.)

*Cf. Cole, *Memoirs of Affairs of State*, pp. 110, 117, 122, 124, 126.

The Duke of Somerset to [Matthew Prior].

1700, May 19[–30]. Petworth.—"The expectation that I have been in since the receipt of yours of the 7th to hear from the Abbé de Louvois was the only reason I did not answer yours sooner, because I did intend at the same time to have given you an account of what he wrote to me concerning the Greek letters, but that is not yet come; so I do begin to believe they are a little ashamed of their proposal to oblige us to insert in the title-page of every book *Cantabrigiæ Typis Academicis, Caracteribus Græcis Regis Christianissimi.* I wonder they would not add their founder's title too. I am sure, he deserves more to have notice taken of him. Well, I cannot help my being a little impatient to receive this long expected letter, which, perhaps, may explain this affair; at least so far as to their intention whether to sell the letters or to present 'em; for accordingly this will appear reasonable or not. Now to the other affair: I have enclosed sent your account of the prints back again, and have drawn a line over what I do desire you to procure for me as soon as you can." (VI. 37.)

The Duke of Somerset to [Matthew Prior].

1700, May 24[–June 4]. Petworth—"I received yours of the 21st with the letter from the Abbé de Louvois and their proposals for the Greek letters by an express a Wednesday last, for which care and diligence of yours I do return many and many thanks. This letter of the Abbé de Louvois contained nothing but compliments, referring our affair to Mons. Clément, whose proposals are something mended to what you wrote to me some time since by this alteration, viz.: *Typographeio Regio Parisiensi*: all which I will more fully discourse you when I come to London, which will be about three weeks hence: therefore I do desire nothing farther may be done in it till then, for I think I can offer that which may be accepted on [*sic*] of both sides. I have not yet wrote to Cambridge about these proposals, because you have already done it, and Mr. Talbot will be in London the beginning of the next week in his way hither with my son, and by him I shall know the sense of the University, for accordingly I shall act as to them and to you always as one that is your very humble servant."

Postscript.—"Pray tell me if the King does go to Portsmouth and when." (VI. 44.)

The Officers of King James's Court.

[No date. *Cf.* p. 284, *supra.*]

My Lord Chancellor Harbert.
My Lord Middleton } Secretaries of State.
Mr. Carroll }
Sir Richard Nagle, Secretary of War.
Mr. James Porter, Vice-Chamberlain to the King.
Mr. Robert Strickland, Vice-Chamberlain to the Queen.

David Floyd, Trevanian, Slingsbee Beedle, Mcdonnell, Bagwell, Franc. Stafford, Mr. Cavney, Viuell and Hatcher } Grooms of the Bedchamber. } Gentlemen Ushers to the King.
Mr. Crane and Mr. Barry, Gentlemen Ushers to the Queen.
Mr. Conquest, Sir William Ellis, Commissioners of the Green Cloth.
Mr. John Stafford, Controller.
Mr. Richard Hamilton, Master of the Wardrobe.
Mr. Labadie, Mr. Lavarie, Valets de Chambre.
My Lady Tyrconnell, my Lady Dalmont and my Lady Sophia Buckly, Ladies of the Bedchamber.

To the Prince.

My Lord Perth, formerly Chancellor of Scotland, and Mr. Ployden, Governors.
Mr. Leyburn and Mr. Viuell, Grooms of the Bedchamber. *depuis* Gentlemen Ushers.
Captain Maginnis, young Beedle and Mrs. Buckingham, Equerries.
Mr. Barkened and Mr. Parry, Clerks of the Kitchen.

My Lord Griffen is a volunteer, sometimes there and as often at Versailles—a great many chaplains and servants below stairs.

Endorsed :—"For my Lord Ambassador." (VI. 46.)

William [Viscount] Villiers to Matthew Prior.

1700, June 9. [N.S.] Blois.—"I have transgressed beyond a fortnight designing to tell you when I was a little settled what I had seen a coming hither from Rouen. I saw nothing extraordinary but Notre Dame de Chartres, which is famous for the beauty and bigness of its vault, where is richly adorned the image of the Virgin Mary made by the Druids above a hundred years before the nativity of Our Saviour, till I came to Orleans, where I was presently struck with a general observation, that is, the deformity of the people, for I do not think I saw a whole human creature in the town. I saw there the *Pucelle* upon her knees cursing the English for burning of her. We went also to see out of the town a place they call the *Source*, that are two small *bassins* of water that furnishes a navigable river which throws itself into the Loire. We are now come to Blois, that most renowned place, which might, for ought I know, have been a mighty agreeable place some five and twenty years ago, but as now I can see nothing alluring but melancholy and solitude that often makes us wish for your company, which you might easily vouchsafe us if you would but borrow Pegasus, and I am sure the Muses could not refuse you."

Postscript.—"Pray, Sir, remind Mr. Swinfurt of sending the news directed at the post-house at Blois." (VI. 50.)

J[ohn] Hilton to Matthew Prior.

1700, June 6[–17]. Cambridge.—"Mr. Hammond came hither on Friday last, and to preserve his acquaintance wears a gown, keeps chapel and hall, and bows very low; but I do not hear he doth any great matters in town. He intends to stay a fortnight or three weeks longer, and after a small visit to his estate to return again. I doubt not but your friends would be as glad of seeing you when the King is gone." (VI. 48.)

Dr. P[eter] Nourse to Matthew Prior.

1700, June 6[–17]. St. John's College, [Cambridge].—"I am very glad to hear of your good health by our friend Mr. Hilton, and if you think Cambridge air did any good towards it, I hope, when you have leisure, you will come and take more of it. Mr. Hammond is now with us, he has a chamber in the College and comes very orderly to the hall and chapel. What progress he makes in his affair, or how he moves, I am not able to inform you, for he takes me to be too much in your interest to discover anything of that nature to me, but I hear that most of his former friends are still very firm to him." (VI. 49.)

Abraham Stanyan to Matthew Prior.

1700, June 19. [N.S.] Paris.—"I now find I shall not bring the pictures with me, for Rigault told me plainly yesterday the King had given him some work which would take him up three weeks longer; but after that was done the pictures should be the next, and I will recommend them to Mr. Lewis's care to put into Tourton's hands. Rigault makes abundance of excuses for this delay, but they are nothing to our purpose. I have paid La Garde 3000 *livres* for the brass figures and sent them to Tourton's and have also bought the statues, busts, and *Maisons royales* which the Duke of Somerset marked in the memorial, and come to 610 *livres*. When I have got an answer from the Abbé de Bignon about the types, which I expect to-morrow, I think I shall have given you an account of all your commissions." (VI. 53.)

The Earl of Manchester to Matthew Prior.

1700, June 19. [N.S.] Paris.—"I think you are much in the right, it is not of great consequence who dies, in case the King is well, whose life is all we have to trust to; I have wished my Lord Albemarle joy of the Garter, and so shall not trouble him so soon again; therefore must desire you will make my compliment of condolence. I was in expectation to have heard of new changes at Court; it may be there will be no more; I will tell you what they say at St. Ger[mains] that Lord S[underland] is gone dissatisfied into the country, having not been able to obtain the Garter for

Lord Ma[r][borough], and that some others are displeased. I do not think this very improbable. I wish I could talk with you to see how the world goes ; this happiness I cannot expect, though I hear the town would have it I was to be recalled. You know that will not trouble me, provided the King is not dissatisfied with my proceedings. I wish you all success in what you desire." (VI. 55.)

ABRAHAM STANYAN TO THE SAME.

1700, June 23. [N.S.] Paris.—" I shall set out from hence on Monday the 28th."

" This plaguy coach and horses stick by me still and give me more trouble than all the rest of my business, so that I no longer wonder at those who complain of the cares that attend greatness. I have every day twenty chapmen, but the rogues know I am going, and one would think my straits too, they make me such poor offers. However, I must part with all to raise as much money as I want." (VI. 54.)

CHRISTOPHER MARSDEN to ————.

1700, June 18[–29]. Prescott.—" I have been in the Isle of Man since I gave you the trouble of my last. My Lord has actually made me Archdeacon there : His Lordship has given me liberty to come over to England for some time to settle my affairs ; but then—oh ! after that I must return to Man. If you could procure me a prebendary's place or any spot in England before I go, or recall me to my native air, I would as long as I have breath pay you grateful acknowledgements.

" But I'm afraid through my foolish criticisms I have lost the favour, and so must sit down without hopes of a kind line to your abdicated and most disconsolate servant." (VI. 52.)

JOHN MACKY to MATTHEW PRIOR.

1700, June 23[–July 4]. Dover.—" I have the honour of yours of the 20th from Hampton Court, and would immediately in obedience to my Lord Jersey's commands go to Flanders, or where else His Lordship should please to command me, if I did not know it altogether needless yet. Mayres, it's true, knows a great deal, and hath several letters of my Lord Melfort's all writ by that Lord's own hand to justify the truth of what he hath to say ; he hath also a copy of a journal sent to King James of all his affairs in Scotland, the people's names, who for, and who against him, but betwixt you and I [*sic*] the King hath already made use of Mayres's name to frighten Duke Hamilton into a better temper in the Parliament of Scotland, and till we see what effects this hath, I suppose my Lord will not think it convenient for me to go over again, nor to make any offers to him.

" I have a letter by last post from my Lord Seafield to meet at London on this matter, when I shall have the honour also to pay my duty to my Lord Jersey and to kiss your hands.

"Colonel Bignoll and Captain Macdonald came to Calais last Wednesday from St. Germains, and one Jones, a solicitor of my Lord Romney's in Ireland, met them there, and got their hands to some deeds in favour of their ladies' estates, and returned to London, as they are to St. Germains. Nosworthy is still at Calais by the name of Powell." (XX. 103.)

The Earl of Manchester to Matthew Prior.

1700, July 10. [N.S.] Paris.—"I was very sorry to find Lord Jersey had quitted the office and much more so by reason you also leave it. I suppose you have long foreseen this and cannot but have taken care of yourself, being upon the place; for you often said, men was forgot abroad. The hopes you give me that I am to correspond with Mr. Vernon makes me more easy. The Savoy Ambassador was with me to let me know that the Duke his Master had ordered Mons. de la Tour, who was formerly his Envoy in England, to return as such; this will cause a great discourse, by reason he was as Chief Minister there; but it is not hard to guess the reason he comes. I was in hopes to have heard something concerning Sir [William Ellis], etc.*, whose letter I sent lately to England. As soon as I hear from Lord Jersey I shall not fail to congratulate him." (VI. 56.)

The [Earl of Jersey] to Matthew Prior.

1700, August 27. [N.S.] Vorst.—"You will have heard at the Cockpit when I landed. At my arrival here I found everything as it used to be; the King is very well in his health, except his legs, which are mightily swelled. He takes something every day to carry off the humour by urine, but I fear he must do something more when he comes to lie still in the winter. You will hear by Mr. Blathwayt's letters all the news that is here. I am sure the peace in the North must be very pleasing to all who wish well to the King at home; it gives him great credit abroad. The French have made a very foolish figure in this business, who were found out at last not to be very sincere in their mediation, for it is sure they had no mind the business should be ended so soon. Mons. Tallard's quickness has made him let fall words that confirm it: *il disoit qu'il étoit impossible qu'une paix faite à la hâte pourroit durer.*

"I am come hither for one night with my Lord Albemarle; I will make your court for you. Mr. Blathwayt has just now sent me your letter, and the copy of the Portuguese letter which I had forgot as well as you. I am sorry you can give me no account of my business with Mr. Lowndes; pray send him my letter as soon as you can, and see him when he comes to town, for I long to hear how that affair stands; it is of consequence to me to have it finished.

* *Cf.* pp. 387, 406, 408, 410. *supra.*

"I am glad to hear you are going to Squirres† ; I hope your company will like it, though I own I doubt of it. I will endeavour to serve *de bruit* while I am in this country."

Endorsed :—"Answered 22, O.S. Aug., 1700." (VI. 70.)

The [Earl of Jersey] to Matthew Prior.

1700, August 31. [N.S.] Loo.—"I have received yours of the 16th ; the last post I received *Charnock's Letter Writ to a Friend after his Condemnation.* I know not from whom it comes, nor why ; pray send me word if it has been lately reprinted, and the best account you can of it. When you wrote, I find you had not received the good news of the peace in the North ; I hope that will make some alteration in the minds of people, and give you occasion of writing some politick news. Everybody here is glad and curious after it and all sort of news, which you will well imagine when I tell you that I hear a piece of news here of a ballad about the the streets of a young Knight of the Garter, a yellow-haired lady, and squinney. I wonder I heard not of this from you, being so much concerned in it as I am told, but if people knew how little their malice vexed me, they would save themselves the labour ; but, however, I desire you would let me know when you hear such stuff. The Admiral of the Fleet, I am told, is meant by the yellow-haired lady. I have had a letter from my wife, who, I find, certainly intends for Squirres. I wish I was of the party, I shall quickly be of one that will not so much divert me, which is that of Breda. Sunday next the King lies at Zulestein, and the next day to Breda, where he will stay till the Saturday following ; in the that time he intends to visit the fortifications of Bergen-op-Zoom. The King is better in his health every day than other, his legs swell a little ; everybody here talks of his marrying, as I hear they do in England ; I hope the Parliament will persuade him to it. Pray write to me every post and every thing that is stirring, for it is the only diversion to hear what is said and done in England. I hope you will quickly see Mr. Lowndes, for without it nothing is done."

Endorsed :—"Answered the 24th, V.S., 1700." (VI. 60.)

The [Earl of Jersey] to Matthew Prior.

1700, Sept. 2. [N.S.] Vorst.—"Here we are in retirement till to-morrow, and in good health, I thank God. I have acquainted His Majesty with the letter I have received from Portugal about Mr. Methuen, and I have orders to write to Mr. Secretary Vernon by this post to have Mr. Methuen recalled, which, I think, His Majesty is the more inclined to out of good husbandry, for he said it was not necessary to have a Minister at that place for the present. I shall send Mr. Secretary word that you will give him the original letter which brings the complaint ; therefore pray do it, keeping a copy. By this time I suppose you will be come from

† The manor of Squeries, Westerham, Kent.

Squirres; pray let me hear how the company likes it. Directions for the enclosed are writ on the outside of it.

"Here is no news that you do not hear from Mr. Blathwayt."

Endorsed :—"Answered the 30 August, V.S., 1700." (VI. 61.)

The [Earl of Jersey] to Matthew Prior.

1700, Sept. 9. [N.S.] Breda.—"I have yours of the 20th and 22nd August to acknowledge. I had no small satisfaction in retiring to read them out of the little bustle we have here with the Elector's Court and officers. Yesterday the King was at Berge[n-op-Zoom] to visit the fortifications there; it seems to be a very great work, and those that understand it say it will be, when finished, the finest fortified town in Europe. I can better give my opinion of Squirres, and should have been better pleased to have been there. To-morrow the King goes to Grave and from thence to Dieren for a day or two; when we get back to Loo, I shall be inquiring after our journey home, which, I fear, will not be till the middle of next month, English style.

"What Holt said to you I believe to be very true, and I shall take the first opportunity to tell it where it should be known. I have had a letter from Mr. Montague; he does not seem to be of the mind he was when I spoke to him about his own affairs, which I am glad to find. I got my Lord Albemarle to write to the Admiral about the serious affair. I thank you for thinking of my brother; but Sayers's place would bring him too much into the world, unless he could tell better how to behave himself. I hear that Mr. Allworth, Queen Dowager's auditor, is dying; he has some place in the Post Office that may be proper for my brother, or his son, if it can be executed by deputy; pray inquire about it and let me know your opinion of it.

"Knowing your intention of coming over, I thought it was fit to know the King's mind upon it; he has given leave, but it must be so that the business of the Board [of Trade] must not be neglected."

Endorsed :—"Answered the 6th, V.S." (VI. 62.)

The [Earl of Jersey] to Matthew Prior.

1700, Sept. 14. [N.S.] Dieren.—"I have received your letter of the 29th, after your journey to Squirres. I am very glad Mr. Banks is thought in the wrong, but, I know, you will think me more so when I tell you that I persist in my first design, and desire that the out-building I ordered may go on as fast as it can; my reasons I will tell you when I see you; as for the piece of ground you mention that lies near the ground of the Park, I will buy it if it is fit for me. Dr. Garth has been here, but Dr. Green has the place; the Archbishop's and Chancellor's recommendations could not be withstood; but I have sent the news of it to Dr.

James, who wrote to me about it, and hope to have some merit in this business; though I really think I deserve very little. You sent me word you would leave England in a few days; we shall stay here longer than people imagine, and, if I may advise, I would not have you come till the latter end of the next week for fear the King should think you neglect the business of the Board. By this advice I hope you will not think I have less mind to see you than I always had. I have a great many things to say in answer to your last letter, but I am in such a hurry in expectation of two Electresses, that of Brandenburg and of Hanover, who are coming hither this evening for some days. I believe these German Courts would furnish news for the next post if I had nothing else to say."

Endorsed :—"Answered the 14th, V.S." (VI. 63.)

The [Earl of Jersey] to Matthew Prior.

1700, Sept. 17. [N.S.] Loo.—"I have yours of the 30th. I am much obliged to you for the care you have of my business with Mr. Lowndes, who, I find, is kind in it. I send you enclosed two blanks to use as there is occasion; if the whole sum is paid at once there will need to write a receipt but upon one of the blanks, the other you will bring me when you come hither. By my last you will think that I had a foresight of my own interest in advising you to stay a little longer in England, but indeed the true reason was that I found the King (when I spoke to him about you) wondered that you thought of coming over, though not at all unwilling that you should come.

"This made me write to you as I did, that by your staying there a little longer no man could say you neglected the business, and then I am sure it is really making your court to have a mind to come into this country. How much my concern would require your staying where you are I cannot tell; I will only desire of you to put my business with Mr. Lowndes in such a method that the payments may not be retarded for want of somebody to act for me. You know the consequence this business is to me, which, I hope, will excuse the trouble I give you in it. The blanks you will make use of as you think fit, but I should be glad if a receipt from a sham person could be taken, for if it was possible, I would not have Mr. Smith know this business.

"I did expect Mr. Secretary's behaviour in the Portugal affair; he says in his letter to me, as if it was not known from whom the complaint came, 'I take the Don [Francisco de Castro] to be the Secretary of State, for I think else I have been in the wrong to have made the step I have'; if you see Mr. Secretary you may tell him that I put the papers relating to this business into Mr. Blathwayt's hands, but I hear His Majesty had not time this post to do anything about them.

"The German Court left us this morning; it has made me wish we had one of our own, which I think is not impossible to be, if rightly managed; but this is under the rose; I believe there is no resolution about the Parliament, nor will be till we are in England.

"I have wrote to Lord Godolphin to come into the Treasury, and then you know how the Privy Seal will be disposed of, but this must not be spoke of. I wish all vacancies were filled, that no more questions may be asked nor wonders made.

"The answer to the foreigners my Lord Albemarle had already seen.

"I say nothing of Squirres, but I am sure when I see you that I shall convince that my first project is best, which I desire to keep to. I wish Mr. Hughes himself does not underhand buy that farm you say will be proper to lay into the Park; I have sent Mr. Girard word that I would have it, as I did to you in my last.

"If Barton is quite well, he may come over with you, if you will be troubled with him. You are right not to say anything to my wife about Mons. Levasor."

Endorsed :—"Answered the 17th, V.S., 1700." (VI. 64.)

The Earl of Manchester to Matthew Prior.

1700, Sept. 20. [N.S.] Paris.—"You know the reason that I did not answer yours which you did me the favour to write from England. I do now begin to think I shall not see you at Loo, having not as yet heard anything of that nature; nor is there any likelihood that you will make me a visit here, since I understand all things go well. I am told the King is to be soon in England, and then we are to see a new scheme. Our friends at St. Germains do please themselves that the next Session will be very troublesome; I hope they will be disappointed. If you will let me hear from you, it will oblige." (VI. 66.)

The [Earl of Jersey] to Matthew Prior.

1700, Sept. 23. [N.S.] Loo.—"I acknowledged the receipt of your letter of the 6th, last post. Mr. Secretary's letter to the King and the affairs in Portugal relating to the Spanish Treaty has made an alteration in the resolution taken about Mr. Methuen; he is now to stay at Lisbon for some time. If this business is known, I believe it will do Mr. Secretary no good. If my former letter is gone to Don Francisco de Castro, pray take care to forward the enclosed, that I may do my endeavour not to pass in those parts for a liar. Mr. Blathwayt writes this post to Mr. Secretary that it is His Majesty's pleasure that my Lord Tankerville has the Privy Seal delivered to him immediately, which if Mr. Secretary does not like, I suppose it will be deferred as

the other business was. Lord Godolphin is to come into the Treasury, but not till the King returns; he desires that the vacancy may be in the Treasury some little time before he goes, in which is the reason that the Privy Seal is given to my Lord Tankerville, but this is *entre nous*.

"If you succeed with the young Lord Exeter, pray let me know it, and I will make your court for it.

"The Parliament is prorogued to a shorter time than the King would have it, but I do not imagine that it will hasten his return a day soon.

"My purchases at Squirres, as you say, may stay till my return, but I hope I shall find everything finished I ordered before I came away. I shall have occasion of wings, notwithstanding the outbuildings that are now making, but I am sure I shall convince you when I see you that wings can never do well in the front of the house, but of all this when we meet. I shall expect all the draughts with you hither.

"I do not write to Mr. Lowndes about my business in the Treasury, but depend upon your making my court to him.

"If Mr. Alsworth's place is in the gift of the Treasury, I never design speaking for it..

"We are rid of all our Princes and Princesses; I am told the young Prince of Hanover is to come hither, but I think it is a secret.

"Lord Albemarle is gone to The Hague for three or four days; he had better have stayed here.

"Next week I go for two or three days to Amsterdam *pour tuer le temps;* I will make another journey thither when you come.

"Lord Portland is preparing for England. I have received a letter from Mr. Stanian; pray assure him that I will do what I can to serve him in the business he wrote about. I suppose the time of your coming away draws nigh: till I know it for certain I will write to you; therefore take care to leave somebody to receive my letters in case they miss of you, and settle some correspondent to send all the news when you are here. I do assure you it will be a great satisfaction to you. I know not if I told you I find in a letter from Lord Villiers that he is very desirous to leave Angers. I suppose it is his own fickle humour, or I should have heard from Mr. Inglis if he had found any other place fitter for him to spend his time in."

Endorsed :—"Answered the 7th, V.S." (VI. 67.)

The [Earl of Jersey] to Matthew Prior.

1700, Sept. 27. [N.S.] Loo.—"I have received your letter of the 10th. I find by it that the King is expected in England the 15th of next month, our style, to give orders for the Scotch Parliament; it is very right to have it so, but I see no likelihood of his being at The Hague till that time;

you know how long he commonly stays there, so that, if the wind was at command, I do not see that he is likely to be in England sooner than the latter end of the next month, our style. This you must keep to yourself, but you may take your measures from it for your own journey, whether you will come with the yachts that come for the King or in the packet boat before, or whether you will think it worth your coming at all, or no. I leave it wholly to you. I think the thing pretty indifferent as to your interest here. You know I shall be always glad to see you, but in this I would really have you do what you have most mind to, and that will be best. You know I am free with you enough to tell you if it would not be so; therefore pray follow your inclinations, and what you think most proper yourself, whatever you do, I will answer shall be well taken here.

"The giving the Privy Seal to my Lord Tankerville is deferred till the King's return, therefore I hope you have not spoke of it. Here is no news.

"I think there are too many officers unprovided for to have the government of Jersey given to any but an officer. I am obliged to you for your thoughts, but pray find out something more fit.

"Your friend Congreve is here."

Endorsed :—"Answered the 21, O.S." (VI. 69).

THE [EARL OF JERSEY] to MATTHEW PRIOR.

1700, Sept. 30. [N.S.] Dieren.—"I have received your letter of the 15th. Though you know I am not formal, I must thank you for the care you have had of my business in the Treasury. I do not send you the letter you write for, not doubting but that the blanks I have sent you will serve instead of it. I desire to know in what species you receive the sum. I cannot tell how to dispose of it till I come. If Farley wants 500*l.*, you may let him have it.

"I think I have given such directions already for Squirres that I need say no more of it till I return.

"I wrote you word in my last how indifferent I thought your coming hither was, though I should be always very glad to see you; but since your last I am wholly of opinion that you are to stay where you are, and I hope this will come time enough to prevent your coming hither, should you have any thoughts of it, though I must own that it is very hard that one must comply with a prating, malicious world. I reckon that we shall be with you about this time month. I suppose we should not stay here so long if my swager was not gone before to give instructions for the Scotch Parliament. This report will do him no good, therefore pray take care not to be the author of it. The report that you write about Laloe is not true, he is just what he was when you saw him."

Endorsed :—"Answered the 24, O.S." (VI. 71.)

The [Earl of Jersey] to Matthew Prior.

1700, Oct. 4. [N.S.] Loo.—"I have yours of the 17th past. Since the blanks I sent you will not do, I have enclosed to you a letter to Mr. Lowndes; pray let him know that I had sent it upon the first requiring it, but that I thought the blanks would be better liked. You find him my friend, therefore pray say to him what you think proper on that matter. for I think that my letter is not to be filled with compliments, but a bare direction to him to pay you the money as you will find it.

"I say nothing to you of your journey hither; my last will have told you my thoughts on it, and I conclude your staying where you are. Though you make not this journey, I shall depend on your making one to Squirres as soon as I get into England.

"I have had a letter from Mr. Powis with an account of my concerns in the Treasury, and shall answer it.

"Since the Don [Francisco de Castro] is not a Secretary of State, I hope he will be found to be a Minister, or else I fear I have been too forward. Some I know will excuse it, though not Mr. Secretary. This business as well as the 500*l.* will certainly be known by your friend and others in a little time.

"I find that you talk in England much of a Queen, but your friend may defer liquoring his boots, and I shall return with the King; before this matter is resolved on I believe you and I shall have time enough to talk of it.

"This day the yachts are sent for, and this day fortnight the King leaves this place, stays two or three days at Sousdyke, and then to The Hague, and eight or ten days afterwards you may expect us in England, if the wind is fair; till then you will continue writing to me all the news you hear, especially of those you mentioned in your last. I am told that Sincerity is not satisfied with those we call his friends; a little more of love and politics and the gay young gentleman.

"I sent you word before that the alterations were delayed till the King's return."

Endorsed:—"Answered 1st, V.S., 1700." (VI. 72.)

The [Earl of Jersey] to Matthew Prior.

1700, Oct. 7. [N.S.] Loo.—"I have received your letter of the 20th past, and take it now for granted that we shall not see you here; our time of being here is now so short that your coming would scarce be worth while, but I cannot but observe that we live in a strange age or a more strange nation, that the most indifferent actions of a man's life is now made criminal by one party of men or other. I will not moralize, for that will give me spleen, though I have nothing to tell you. I think I have sent you word already what we are to do to the very day of our depart; while the King is at Sousdyke I intend to make my journey to

Amsterdam. If you want anything from this country, let me know it; I will buy it as well as I can, or take care to bring it to you, if you have already intrusted anybody with the buying it. Pray keep as well as you can with your melancholy friend, and insinuate what I told you of Mr. Swag[er]; but take care of yourself in it. Farewell; I long to see you at Squirres."

Endorsed :—"Answered 7, V.S., 1700." (VI. 73.)

The [Earl of Jersey] to Matthew Prior.

1700, Oct. 11. [N.S.] Loo.—"I have received your letter of the 24th past. I will now tell the King the reason of your not coming, which, I am sure, will be approved on. The time of our being with you draws now so near that I have little to say to you; news here is none but what you will find in sprightly Yard's *Gazette*. I know not if he will have heard that the King of Spain is very ill; the French report it confidently, which makes me hope it is not worse than the other fits he has had. Perhaps you may hear (for want of other news) that my Lord Albemarle is not well; it is nothing but a spleen, not warrantable, of which you shall know more when I see you, but must not speak of it now nor then.

"I am sorry the Admiral trifles, but how to mend it?" (VI. 74.)

The [Earl of Jersey] to Matthew Prior.

1700, Oct. 14. [N.S.] Loo.—"I have received your letter of the 29th past with your new book; the preface is too obliging to the Court; but let malice reign, it is no matter.

"I think of nothing but quickly leaving this place, and going with you to Squirres. The King goes from hence on Monday next, and I to Amsterdam, and shall meet the Monarch Thursday at The Hague, where I suppose we shall be stifled with Princes and Princesses. I write to you because I will, for I have nothing either to tell or bid you, unless it is to bid you wish for a good wind about a fortnight hence." (VI. 75.)

Matthew Prior to the Earl of Jersey.

1700, Oct. 3[–14]. London.—"Duncomb after all has lost his election and Abney is chosen. The heats in the city in this conjuncture are very great, Simpson, the Baron of the 'Chequer, at the swearing of the Sheriffs the other day, instead of praising them, as is usual, made a violent panegyric upon Duncomb. When they were drunk together in the afternoon, Sir Harry Furnace, one of the Sheriffs, called the Baron names, and Sir Will[iam] Ashurst asked him if my Lord Sunderland had not made him the speech, and Duncomb given him money for pronouncing it. Some of Duncomb's

friends say that they can produce a letter from some of the Lords Justices; they name my Lord Marlborough, as if their choosing Duncomb would be agreeable to the Court; this passes for Lord Sunderland's work, and honest Harry is heartily cursed, but the complaint which is founded upon most reason is that in all former elections it was usually a little insinuated what party would be agreeable to the Court, but in this election not one word was any way intimated to them; this, I am afraid, had too much truth in it. I am told your Secretary of State trimmed extremely as to his opinion in this case, and I know that he was received coldly enough in the city some days since.

"But after all, for God's sake let somebody or other be ordained to rule us, for at present your Godolphins and Montagus equally deny that they have anything to do with us, and I think we are likely to fall between two, though we might crush them both if we would act with vigour.

"I think my friend might be called back with good management, *il cloche entre deux*; I have let fall Swager's matter so to him that I cannot be suspected.

"I have that sum locked up in my escritoire, having given my receipt for it, and said something as from you to L[owndes] proportionable to his genius, though not, I think, to yours.

"For God's sake come home quickly, I have none from you. Lady Mary, you see, writes very well, and is a very good child. My lady is at the Duke of Ormond's, who treats her as if he were in love with her." *Copy.* (XII. 450.)

MATTHEW PRIOR to [J.] TALBOT.

1700, Oct. 4[–15]. [London].—"You did well not to date the last letter you wrote me, for it cannot rise up in judgment against me that I have not sooner answered it. Not writing to my friends is a fault which I wish I could as easily mend as confess. My goods are now coming from France, and I hope in a little time to open my bundle and give every man his due; pray signify as much to His Grace of Somerset.

"My intended journey to Holland is overruled by those who know best what is proper for me, so that, till His Majesty's return, I enjoy that leisure and freedom of which I have scarce had a taste for these last ten years. If I had my dear Talbot with me to share the blessing, it would be infinitely yet more valuable; in case I cannot have it here, I don't know but that I may take a step to Cambridge; but this is as yet undetermined and only said to yourself.

"We have the Oxford Verses upon the Duke of Gloucester's death; there are some very good copies; the boys at Westminster intend to write upon the same subject; there will be some very good verses; but I believe some of the most poetical of our school-fellows, even up to our own standing,

are at work for them. I thank you for those you sent me of Dibbons's composing; the versification is very pretty, the Latin sometimes hard, the sense, I suppose, dictated by the Bishop of Salisbury's son. Pray let Dibbons not talk nonsense in the best chosen words imaginable, and remind him of Busbey's old rule to write his invention in English.

"There is nothing that presses his making much haste with the journey-work he has from me in his hands. Tonson is in Holland, and till his return I could give no direction about the printing it, if it were finished; when he does come, a very severe jury will be empanelled to sit upon it, Doctor Knipe, the foreman, you (if you are in town), Smaldridge, Hannes, Stepney, Portlock, Freind, and Charles Boyle. Tell Dibbons so as that it may not discourage him, for, however the poem is in the English, I think he has done it so very well in Latin that a little looking it over may make it the best thing in that kind that has been written since Buchanan. I shall be very glad to see the translator with the translation, and I hope in a very few years to hear that he is as great a master of Grotius as he is at present of Virgil.

"I hear it said as from some of my acquaintance as if I were resolved not to serve the University in a future Parliament. I neither said or wrote anything of this kind to anybody but yourself, and to everybody that had spoke to me of it here I have thought fit to give no other answer, but such a one as might shew the great respect I had for the University, and the true desire I had to serve that body upon all occasions, and yet might leave me a liberty of retiring, and not exposing my friends and myself in case I thought I might meet a repulse in this undertaking. To put the thing in its right light, and give you my real sentiments of it, it will be necessary to recapitulate that, whilst I was in France, some of my friends from the University wrote me word that I was looked upon by them and others as a person fit to represent them in Parliament. In saying this, I presume they had an eye to having been from the age of sixteen and to my continuing till that of thirty-four a member of that community, not a pensioner or fellow-commoner, but scholar of the house and fellow of a college, my name constantly in the books and my correspondence with my friends kept up, as well as to my having acted abroad in several stations so as to capacitate me in all probability to represent so illustrious a body. To this I add that I understood they would have some person whose principle it was to represent, as occasion might require, their steadiness to support the true rights of the English monarchy and the real preservation of theirs and the nation's liberty. On these considerations I was induced to think that they did me a great deal of honour when some of the Heads had me in their thoughts, and as they please to continue that favourable opinion of me, I shall always most readily obey any summons they may have for me, be it to

promote anything here for the interest of any peculiar person or society, or in general to assert their rights in the great Council of the Nation, as they may judge me worthy. This is the sentiments I was in when I was last at Cambridge, and in which I think I shall always persevere. I would no more plead my merit to be a Parliament man than Coriolanus would shew his wounds to be Consul, and my proceeding in and desisting from my first intention will be wholly governed by the encouragement or coldness which I may receive from the University. In one word I desire with all my soul to serve them whenever it is proposed to me, so as that the thing may seem practicable. But I should be very sorry if from that desire I should only make a foolish figure, and come back again to shew my friends at Court that I had not enow of that kind in the University to sustain my interest. But of this we shall have leisure enough to reason; in the meantime you may either shew this letter to the Vice-Chancellor, to Dr. Bently, to Dr. James, to Doctor Covel, to Dr. Richardson, to Dr. Nurse, and the rest of our friends at Cambridge, or you may say out of it what you think proper, that we may take the measures of our boat before we put to sea, and then you may pilot me as you please. I am sorry from my heart at our poor friend Hilton's death. I have only to add my service to all my friends, and till they die or I die I will continue truly theirs." *Copy.* (XII. 453.)

The [Earl of Jersey] to Matthew Prior.

1700, Oct. 19. [N.S.] Amsterdam.—" What can I write from hence but that actions fall upon the Spanish news; that monarch is here concluded dead; there is too much reason to fear it, but the news when I came from Loo was that he was desperately ill, and had had the extreme unction. Quiros's letters of the 1st instant say he was something better, which are the last I have heard of; but I am here in a wilderness, and shall get out of it on Thursday. I have your letter of the 1st; another post is come in this morning, but those letters I shall not have till I meet Blathwayt at The Hague. I wonder at your friend's talking to you as he does, I believe that word *slavery* was by way of pump; pray take care. I think of Swager as you do. The Alderman will be Mayor, and had like to have been hanged two years ago: what a nation! But to discuss these matters would engage me in as long a letter as yours was, which was very entertaining to me; what news I know I tell you, and begin with what is most grateful, which is the King's health. I really think him as well as he has been for many years past, and likely to continue so, if a Parliamentary spleen does not alter him. When I left him he was of the mind to have the Parliament prorogued to the 20th of the next month, and did intend to send orders about it. I suppose this will put an end to the discourse of a new Parliament. All is well again with Lord Albemarle.

I wish it may last, for I am heartily weary of these unreasonable quarrels.

"Mrs. Humis has been some time at The Hague; what she does there I cannot tell, but I do not doubt but that she will bilk some half-a-dozen of her friends of a ten pound business, and then be gone.

"I will certainly be mindful of old Sir Edward and of everything else that is *your concern*.

"Pray tell Mr. Powis that I have received his letter with my accounts, and that I am likely to draw upon him from hence." (VI. 76.)

The [Earl of Jersey] to Matthew Prior.

1700, Oct. 22. [N.S.] Hague.—"At my arrival here last night I met with yours of the 3rd. The wind is now fair, but we must stay till Wednesday, and then longer if the wind changes. I am glad to hear your politics, and when we meet will reason upon them; in the meantime the world is mad and knave. Barton is arrived with the draught; I own I like it; what I have already done would not hinder my executing of it, if there was not a worse impediment, which we must strive to overcome this winter. The Hague is as it was and not worth speaking of. I want you to see pictures. Pray take care of your strong box. I find you know my weakness, or else you would never have sent me Miss Mary's writing, though I must own it is very pretty for her age. I hope you do more for her at Knoles, where she wants your kindness more. What means His Grace? pray take care he does not wrong me. I had as good bid you farewell as write such stuff, and leave the uncertainty of the King of Spain's health, and the impatience of the French, to Blathwayt and Yard." (VI. 79.)

The Earl of Manchester to Matthew Prior.

1700, Nov. 3. [N.S.] Paris.—"I have writ several times to you concluding you was at Loo, but I find your journey did not succeed no more than mine. I hope now you will renew your correspondence, that I may see what before was a sort of obligation, that you still remember your friends in France. Upon the death of Mr. Sayers, I did desire the favour of my Lord Chamberlain to lay before the King a person I recommended to succeed him, and the answer my Lord made me was that the King would do nothing in it till his return, and that there he would be glad to receive my orders. This I take to be a civil way of denying my request, especially since I find in all the prints Mons. Lalo is to have it. This may look well to England for ought I know, and for my part I am indifferent; that which I would willingly be satisfied of is whether this matter is determined; if so, I would neither press the King nor give my Lord Chamberlain any further trouble. I

believe you have now a great Court, and there is no want of pretenders to the Privy Seal or the Secretary's Office." (VI. 87.)

J. Talbot to Matthew Prior.

1700, Oct. 26[–Nov. 6]. Cambridge.—" I should be ashamed, my dear friend, to own the receipt of yours by the last post before I had answered the former, had not an unusual glut of business (of which yours has been a good part) employed me some time before and ever since that came to my hand. While the season lasted at Newmarket I was plagued with visitants from thence who came to see King's College Chapel, etc. When I thought this fatigue over, Mr. Boyle (I thank him) sent me Captain Delaval with a brace of Mahometans from Machanes, to whom I was obliged to show our University (or rather them to it). These and twenty other necessary impediments (which 'twould be as troublesome to repeat as it was to undergo), together with the care of settling poor J. Hilton's affairs with his pupils, etc., devoured a great part of my time: the rest has been spent much more agreeably in your service. I communicated as much of your letter as might be convenient to the persons mentioned in it (except Dr. Nourse, who has not been here since Midsummer, and is not expected before Christmas). Those who are most cordially yours wish with me that you had leisure and inclination to visit this place, to revive your interest among your former acquaintance, and to increase it by new; which is the only certain expedient for working out friend Torry, whose frequent residence here and constant application to our young masters has made him very popular among them. These make too great a number at elections to be neglected in the interim. The authority of their superiors, the merits of competitors, or the interest of the University, Church and Nation all put together do not go so far with them as the single motive of a personal acquaintance, and I never knew any man but Mr. Boyle (whose interest here, between friends, depends wholly upon the Chancellor) succeed without it. When the project of your being set up for our Burgess was first proposed to you from hence, you may remember 'twas upon the prospect not only of your settling here in England, but of your continuing so long as the Statutes of your College would permit a gremial of this body; and all those who made that proposal were then and are still confident that title would set Mr. Prior upon an equal foot here with any competitor, provided he should think fit to employ the means which have been since recommended to him. I dare assure you that those Heads whom I then mentioned, and some others whom you have since seen, are resolved to serve your interest so far as their own will go: and 'twere to be wished that Masters upon such occasions had the same influence in their Colleges as Princes have in their Courts. Their number, you know, is sixteen, and the votes

they can command may upon a general computation amount to five times that number, which will come to about one-third of the electors; the rest must be gained by personal application and the solicitation of private friends, letters from patrons, relations, etc., all which must be diligently used some considerable time before the election, which cannot be secured to the greatest merit without them, especially in the case of a new competitor. Thus you see, dear Matt, that your appearance for the Burgesship was and is still proposed to you with the cordial assurances of their assistance who first recommended it to you, and that this assistance is sufficient to give you fair footing, but the success of it will depend very much upon your joining with them in your endeavours to improve the interest they have set on foot. I hope I need not assure you of my best services among all my acquaintance. But I must needs tell you that 'tis necessary you should have a professed agent in your own College, who should make it his business to keep up your interest there, and to visit for you elsewhere while you are absent; for, though I may and will do you all private services where I have any interest, yet you know I cannot with decency to my Lord Duke of Somerset undertake the public solicitation of any other interest than Mr. Boyle's, which is the only one he has hitherto recommended or given me leave to appear in. I have secured you several votes in our College, where (I may venture to tell you) the Master has but little interest, and some I am promised in the town, but I want assistance to solicit on your behalf a hundred people whom I do not know, and this must be done, *secundum formam*, from St. John's College. Nourse should be the man, but he is as little resident as Your Worship. I am very much a stranger in your College, and wish you could direct me to someone whom we might intrust with the management of your affairs there. Methinks something should be done while Hammond is away, who is the idol of that Society, but I hope you will not suffer him to be any longer the oracle of this University. In that, dear Sir, he must be defeated by his own talent, industry. The scheme we laid last winter must be reviewed and put in practice immediately; letters must be written hither by your friends, and visits made by yourself either now, or (if you shall think it more convenient) while Hammond is confined to his attendance on the House. What instructions you will give me during my stay here, which will be till Christmas, I will faithfully obey, being very ready to act for you, but at present more desirous (for your sake as well as my own) to act with you. If you would have a list of all the Masters of Arts in each College, I will procure one, and will endeavour to inform myself which way particular persons may be influenced.

"Dibbons, like a true Westminster, defers the finishing of his exercise to the last minute. He has very near done the

whole poem ; and in those pieces which you have not seen I find several masterly strokes, but such as want the last hand to polish them, which I believe must be yours, though we shall impanel a petty jury of some schoolfellows to sit upon him before he is returned to your grand jury ; in the meantime I wish Culprit a good deliverance. He tells me just now that he will certainly wait on you with his translation within a fortnight. I had much rather you should come down for a fortnight or three weeks and read them here. Such a journey might conduce very much to the improvement of your health and interest ; I wish I might say as much to your satisfaction as 'twill be to ours. Pray visit Dr. Bentley, who is now at St. James's, and will be here immediately after his election to the Vice-Chancellorship, which will be within a week. See Dr. Oxenden, and make him your friend. I think, since your affair has been mentioned (as I told you) to the King and declared here, we are too far gone to make a retreat, especially so long as we have hopes of victory. I cannot yet learn where Dr. Nourse is, but will inquire further, and if you think fit, I will take care of the conveyance of your letter to him. What if you bestowed a vacant hour in criticizing your *Secular Ode* before 'tis reprinted, and touching up some passages which only yourself can mend ? I suppose this place in the fifteenth page was false printed,

> ' And Schools profess our Tongue thro' every land
> That *have* (for has) invoked his aid, etc. '

I wish, my dear friend, that your *new Phœnix* in the next page were a little more suitably supported than by *young columns ;* judge you whether these two metaphors do not come too thick upon one another in expressing the same thing by two different images in the same sentence ; Whitehall is a *Phœnix* at one end of the verse and a *fabric* at t'other. I am apt to think that with a little alteration you might better reconcile *expanded wings* both with the bird and the building. I don't think this is English :—

> ' Let a new Phœnix her young columns rear,
> *As* may the greatness of his reign support.'

This I take to be the only exceptionable passage in the whole poem, and wish it were better understood by me or expressed by you. If you will order the printing of the poem while I am here between this and Christmas, I will take care to correct the errors of the press. Send word whether Dibbons shall come to you, or you to us. You will do well to send the Duke of Somerset's prints to his housekeeper at Northumberland House, and better to send His Grace notice of it by to-morrow's post ; the housekeeper's name is Bridgewater, to whom if you send the letter and prints, he will take care of both. My Lord is now in Dorsetshire. I have indifferent health, and wish you better. A dose of Ipecac and Cambridge air would set you right for this, and, I hope, many winters. I will send you next Wednes-

day by Mr. Stepney's Whitworth (who is chosen Fellow here) a little *Horace*. I have put his life before the text in this edition, and recommend to your remembrance an expression of Augustus's which you will find in it, *Horatii Flacci ut mei esto memor*. I wish you would order my friend and your humble servant, old Elzevir, to recommend this impression in his namesake's types to Leers of Rotterdam, so that he may take off a number of copies, which shall be afforded at a reasonable price. The book will not be published these ten days. I am my own bookseller, and without Jacob Tonson's assistance have already six hundred copies bespoken by the schoolmasters and tutors. Farewell, dear Matt; be as careful of your health and interest as you will always find your, etc.

Postscript.—"I desired Bedell Martin to present you and Mr. Stepney with our lamentable *Threnodia*, but I find by the Vice-Chancellor that he has turned my compliment into his own.

"Bid Tonson get ready paper for the *Secular Poem*." (VI. 83.)

The Earl of Manchester to Matthew Prior.

1700, Dec. 19. [N.S.] Paris.—"I was surprised to find by yours of the 18th that you was still at London, having then directed two of mine to Brussels, which I suppose you have since received. You may easily imagine how I am looked upon at Court now, though I carry myself so that, whatever resolution the King does take, they will not wonder either way, which makes them not know what to think; but now Mons. Tallard is with you it must come to some declaration, else he will return; for they are high enough here to resent it, and I believe we are able to make them very uneasy, were we but united and as willing; I have enclosed two letters from Brac[conier] which I have had some time; but this comes by one that belongs to me, else he desired they should not be sent; he owns in Holland he received six hundred *livres*; which he spent in his journey, though he had money from me when he went; he presses me to write to Lord Albemarle, who, he says, promised his arrears should be paid for the year last past. What use he has been of, you know best; but it is certain he can be of little now, unless he has wherewithal to live, which I am confident he has not. I cannot tell, but it would be convenient to encourage him, especially if we are like to break with France; but you know him much better; he talks of a correspondent, who will also expect something. Pray speak to my Lord Albemarle, and see whether he is to have anything or no. I hope you will be so kind as to let me hear from you what is doing, and I do assure you I do not care who governs, so the King's affairs go well. In due time I may be remembered, but I often think of your saying that abroad one is always forgot though one writes every post; it may be to little purpose. I hear one

Dormer has bought the exempt's place in the Yeomen of the Guard: *chi vuol patienza.*" (VI. 91.)

Dr. Humphrey Gower to Matthew Prior.

1700, Dec. 11[–22]. Ely.—"As concerning you declaration of your purpose at the election for burgesses, I wish you all the success your heart desires, though I know you will not expect any assistance from me that is not fairly consistent with my engagements, which I take to be the substance of what I said at that time when you were pleased to enter into some discourse about that matter.

"Sir, you cannot but be sensible that I have a real respect and affection for you. The first buddings of those hopes, which have since so spread and flourished with universal praise, passed not unobserved by me. It is with great satisfaction that I find my conduct in relation to your concerns here in your absence now justified if not applauded by several that then thought otherwise of it. You are a member of this Society; and make the most of that, Sir, with all my heart, on this or any other occasion. But, Sir, I am of the same opinion I was when you discoursed me on this subject. I would not have you appear without a fair prospect of success. I say, as I did then, that (in my opinion) a competition if defeated (especially with great odds) will be of no honour to you, nor in the least smooth the way for better success another time. I may be allowed to know the University pretty well, and I hope you have no temptation to suspect the sincerity of my friendship to yourself. I may be mistaken, but I think I have reason for what I say. You had better decline than venture the competition, unless you have such a view as I mentioned. You speak of friends that manage your interest here; you best know who they are, but I wonder we hear nothing of the success of their management. I do not find that the interest of either of our present representatives lessens in the least, nor that your name has been set up, or much solicitation used; but that perhaps will not appear till nearer the occasion for it. That is not my business.

"As for what you can expect from me I will be very plain, as becomes me. I should be very loth to do anything to the prejudice of Mr. Boyle (whom I honour), and more so to be obliged to give my vote against you; but from my engagements to Mr. Hammond I cannot recede. He was originally of our College, lived here as fellow-commoner with great reputation several years. Since his leaving it I have had great correspondence with him, and a friendship and familiarity has been for divers years (before his appearing as a candidate here) set on foot and cultivated between us. His conduct in the House of Commons has been generally approved by the University, which has had several occasions to observe his conduct and to experience his zeal for the

interests of it. He is represented to us as one steady and unbiassed, led blindfold by no interest, party or popularity, but acting and voting whether with these or those as becomes an Englishman, faithful to the establishment in Church and State as it now stands. And thus, I doubt not, would you steer if in such a capacity. But, my friend, I know you will not desire me causelessly to desert my friend, nor change lightly, or discover levity and inconstancy. It is not a distinction about *gremial*, etc., that would justify such a weakness. These elections ought not to go by a kind of propriety, as if an admission or country ought to cancel or supersede all other considerations whatsoever. If such things prevail too much in other places, that will be no argument to be used to such men as should make a corporation of scholars. And here, Sir, it is reasonable for me to advise (if that may be allowed me) that you judge not hastily of this College. I can't tell how your managers report of it. 'Tis true your being a Fellow (as I took notice in our conference) seems to give advantage, and would (considering your other qualifications) without question bring over the whole body of this Society to your interests if no engagements, strong and powerful, had gotten possession. Whether that be the case now, I believe you are more likely to know than I. For, Sir, that is the next thing I am to say, that I am no stickler. They that know my methods will testify I never visit or solicit, I constantly leave the Fellows to themselves, taking them to be able to judge and choose for themselves, so that it frequently happens that our votes in the Schools go several ways, and I am never offended at it. I can't say that I ever got Mr. Boyle or Mr. Hammond one vote. I am sure I will not endeavour in the least by deed or word to make you, Sir, lose one, I always reserving to myself the free disposal of my own. If you proceed in your purpose (as your present declaration as well as that formerly cause me to expect), you shall find me very kind and tender of your interests, and then you cannot be offended at my steadiness in adhering to the engagements specified in this letter, and plainly enough intimated to you when we discoursed this matter; for what I write now at large is but the same thing that I expressed then discernibly enough to one of much less penetration than yourself.

"Now, Sir, I have done, and shall make no apology for anything I have writ; I leave it to justify itself, how hastily soever it be drawn up, to one of your justice and candour. Whether your appearing on this occasion will shock Mr. Boyle or Mr. Hammond most I profess I cannot foresee. All I wish is that it may no way prejudice yourself, for I heartily wish you all honour and success, though I am not at liberty to advance it on this occasion in every way and in all particulars as I desire. But be that as it can, it is impossible that I should cease to be, Dear Sir, your very affectionate faithful friend and servant."

Postscript.—"The respect shown to Dr. Nurse is no more than he deserves, perhaps few in England merit encouragement better. He is my friend, I love and respect him. I doubt not but he will lay hold of any opportunities to express his sense of what you have done for him in this particular.

"You can, I know, excuse this hasty scribble as well as the extravagant length of this letter."

"You may believe it, that I do not use it: when I have satisfied myself, I am not accustomed to laborious endeavours to inform others of the reasonableness of my measures, unless they appear very liable to be misunderstood by wise and good men; and that in matters of influence and importance my age and retirement give me more title and warrant for such liberty, now every day more and more." (VI. 92.)

Charles Jervas to Matthew Prior

1700, Christmas Day. N.S. Rome.—"The Pope's benediction to a devout pilgrim, the morrow's matrimony to a well-stricken virgin, your letters to C. J. equally welcome. The poem will be so too, though Conway misses it, for the poor doctor left his skeleton at Naples, as I told Mr. Drift some months ago. The holy door's being shut yesterday puts the nation upon motion, most of them to the Carnival at Venice. Lady Salisbury, followed at a modest lover's distance by Colonel Josselyn. Lord Hastings has been only as far as Malta, stays here some weeks, and in that time resolves at his rate—Will Cecil is expected back shortly from the same tour.

"I am glad to hear that you propagate the virtuoso faith; I shall endeavour to confirm your disciples in it by disposing of their money with all possible care. I must take the more time because I can't yet guess at Mr. Montague's *gusto*. Some general hints as to subjects would be of service, and it is convenient too, to order your or their banker to send me a credit to Leghorn, that cash may be ready upon occasion, for I am not here as at Paris, where I could take up hundreds sterling without staying for bills or letters. However, so soon as I light of anything for their purpose, [I] shall not fail to secure it. I wrote once about Theodon the sculptor, but that affair is over; his present Holiness is a lover of art, and consequently does not let him leave this town. The fifty guineas for the *Holy Family* came seasonably to relieve my honest correspondent Norris. If the naked boy (Christ) bought at Paris may hang in its room, he has my orders to send it to your hotel—'tis in a handsome frame. If some other of your acquaintance would throw away a few loose guineas upon it, perhaps forty or fifty would not be ill bestowed, and to tell you the truth I am so intent upon going through a regular course of study, and so pleased with the opportunity, that my old collection shall go off as fast as I can conveniently; I purchased several pieces and prints, and

was very fond of that, as necessary for future study, which by my application here will be altogether useless. I have not yet touched a pencil in Rome, and intend this year too for drawings and then something of Guido, Titian or Correggio for the colouring, etc. All the pleasure I have now is to confront the former half-year with the latter, and if I can make a progress answerable to my industry, something may be done. There are two or three damned things that disturb me mightily in the Poets. *O imitatores servum pecus! Parturiunt montes, nascetur ridiculus mus.* And a poor comfort at last:—*Magnis tamen excidit ausis.* (VI. 94.)

ROBERT SANDERSON to MATTHEW PRIOR.

1702–3, Jan. 28[–Feb. 8].—"My affairs have but a very melancholy aspect at present, for I'm out of all manner of business, by reason Mr. Rymer is out of that which his late Majesty in his Council commanded him to attend. I have been for several years assisting to him therein, and with how much diligence and fidelity I have served him in it he will be ready to satisfy any person shall please to give himself the trouble of asking the question."

"I make my humble application to you to save a sinking person, who, besides an eternal gratitude, shall take no little pride in owning you my patron. I'm abundantly convinced that it is absolutely in your power; and your character, besides my own particular knowledge of your kind and generous disposition, will not suffer me to doubt of your good inclination to assist the distressed; give me leave then to make it my humble request to you to help me into any employ."

Postscript.—"If you please to send me your commands to wait upon you, I lodge at Mr. Jeoffs, against the Three Cups Tavern in Holborn." (VII. 8.)

The DUKE OF MARLBOROUGH to MATTHEW PRIOR.

1704, August 3. [N.S.] Friedberg.—[See Marlborough's Letters and Dispatches, ed. Murray, i. 384.] (VII. 9.)

A[DAM] C[ARDONNEL] to MATTHEW PRIOR.

1704, August 7. [N.S.] Camp at Hoghenwort [Hohenwart].—"We have made no great progress since our success at Schellenberg, except it be burning and destroying the Elector's country, wherein we have not been sparing; our last march was all in fire and smoke. We are now going to besiege Ingoldstadt, and I wish to God it were well over, that I might get safe out of this country." (VII. 10.)

A[DAM] C[ARDONNEL] to MATTHEW PRIOR.

1704, Oct. 31. [N.S.] Camp at Trèves.—"Last night late I received your packet, and at the same time presented

the enclosed to my Lord Duke, who would have returned you his thanks himself, if he had not been obliged to be on horseback early this morning. His Grace therefore commands me to do it, and to let you know at the same time that, though some people may have endeavoured to give him wrong impressions of you, it has not had the least effect with him, and that he is sure if your heart had not gone hand in hand with the poet, you could not have said so much in his favour beyond his merit, and that he will endeavour to deserve your friendship, and that you may rely entirely on his upon all occasions. Thus much for my Lord Duke, being, as near as I can remember, his own expressions.

"And now I must thank you likewise for your merry letter. I have been too busy to have been in that 'Qu' for many a month, and a journey of a thousand miles more at least before I get to The Hague will keep me low enough till I meet you at your headquarters in Duke Street over a bottle.

"Adieu, my dear friend, I am so starved with cold that I can hardly hold my pen." (VII. 11.)

The Duke of Marlborough to Matthew Prior.

1706, June 14. [N.S.] A[e]rze[e]le.—"Your letter of congratulation on a late victory, which I meet in my way to The Hague, afforded me a very agreeable entertainment, for which I return you thanks, and pray you will believe me always with truth your most humble servant." (VII. 13.)

Adam Cardonnel to Matthew Prior.

1706, June 17. [N.S.] Camp at A[e]rze[e]le.—"My good friend, believe me the Devil has no hand in what we are doing; we are guided by a better genius, which, I hope, will still help us to mumble and humble the rogues till their great monarch is brought to know himself.

"Your letter has been carefully delivered to my Duke as you desire, and enclosed you have his thanks." (VII. 14.)

Sir Thomas Hanmer to Matthew Prior.

1706, July 18[-29]. Euston.—"I am so much obliged to you for a present I received this week that I must return you my thanks, though I am not judge enough to hope you'll accept my commendation. Were I a General, I should desire to preserve the favour of your muse next to Fortune's, and I will not doubt but they who could perform the actions will know how to value such a record of them.

"But now your journey to Parnassus is over, pray change horses and come into a thicker air. Since your Pegasus has carried you so well, you need not doubt your mare, for you keep one as idle in the stable as the other; and if a fond muse will follow you on foot hither, perhaps we may show you as proper shades for you to converse in as any other place.

"To be more in earnest with you, I hope you will not forfeit the character of an honest man, and how much that is engaged in your coming to Euston need not be told you, since I see by your letter you remember you promised it. You may be sure no man alive would be more welcome, and I hope you have nothing to do but to give your brethren warning and claim their attendance at the Board [of Trade] whilst you take your turn abroad." (VII. 15.)

[Dr. Humphrey Gower] to Matthew Prior.

1706, August 9[–20]. Thriplow, near Cambridge.—Thanking Prior for his poem, and adding:—"It continues still to be the most agreeable entertainment I meet with in this pleasant place, which affords me the best I enjoy anywhere. I offer the same to my visitants too, who accept it as such, for though they come no strangers to your Ode, it is fresh entertainment to read it again, repeat out of it, and discourse concerning it. The particular interest I have always claimed in the Author, and my having it from his own hands seem to allow me a more than ordinary concern in the applause and praises that are paid him on this occasion. It would be strange if such a performance should not meet with more than praise expressed by words, or not procure to its author something else besides honour and immortality." (VII. 18.)

Sir Thomas Hanmer to Matthew Prior.

1706, August 23[–Sept. 3]. Euston.—"As 'tis natural for people under the expectation of pleasure to be very exact in computing time, I reckon now the full account of days is up, which by your last letter was fixed for your Suffolk journey. And of this it is the more necessary to remind you, lest Mrs. Ramsay's flight from us should be earlier than your motion towards us, and I should be loth you should lose so material a part of your entertainment here.

"By all the accounts we have from your famous city we conclude it at this time not better peopled than Carolina or the poorest colony under the compassion of your Board, and yet the solitude of it has charms enough with you to make the parting grievous. How little hopes, then, must we have of you if you should stay to see the delights of Bartholomew Fair open upon you! how impossible will it be to divorce you from it then! Be resolute, then, and go not into the temptations of that inviting place. Think how much your honour is concerned in keeping your word, and how much it becomes a man to renounce his pleasure for the sake of that. I hope you have no particular mistress new enough and fond enough to detain you there, and I am sure you have here a sincere friend and a most faithful humble servant." (VII. 19.)

Adam Cardonnel to Matthew Prior.

1707, July 14. [N.S.] Camp at Meldert.—"I have deferred answering your letter of the 13th past, O.S., in hope of sending you one at the same time from my Lord Duke, or at least to have told you that he had complied with your request in recommending the contents of yours to him to my Lord Treasurer; but am sorry I can do neither, perceiving His Grace does not think it proper at this juncture, though I may venture to assure you it is not want of friendship or good will, for when I first heard of yours and my master Blathwayt's remove, I took the liberty to tell His Grace in the most friendly manner I could what I thought of your circumstances, and he was pleased to answer me, under an injunction of the greatest secrecy, that he had and would take care of you.

"I wish you joy of coming into Hampshire; you may depend upon a visit when I go to and return from Hampton [Southampton]. There is a young gentleman, a relation of mine, who is called to the bar, that lives near Farnham; I must beg leave to recommend him to your friendship and protection." (VII. 21.)

Sir Jonathan Trelawny, Bishop of Winchester, to Matthew Prior.

1707, August 2 [-13].—"I had not written to you this post but to acquaint you that Dyer in his public letters into this country tells us you are going into orders, which is much more surprising news than that you sent me of your finding Mr. Trelawny at study and Ned boxing, for each of them was in his way. I don't doubt of your having your eye upon the bishopric of Winchester, but I beg you would not expect it these twenty years; after that I wish you may have it at least as many more.

"I wish you would wait on Mr. Churchill and desire him to let Mr. Johnson know that the rectory of Knoyle in the pleasantest part of Wiltshire in my gift, and reckoned to me worth 300*l.* a year, is now void, and by the command of my Lord Duke of Marlborough at Dr. Shaw's service.

"I would have Dr. Shaw be very nimble in the matter and go down with speed to see it whilst his instruments are preparing, because it is harvest time, and he will certainly suffer by the Bishop of Sarum's sequestering it into ill hands.

"For Matthew Prior, Esq., at his house in Duke Street, Westminster." (VII. 22.)

The Duke of Marlborough to Matthew Prior.

1707, August 25. [N.S.] Camp at Soignies.—[See Marlborough's Letters and Dispatches, ed. Murray, iii. 530.] (VII. 24.)

Edward Southwell to Matthew Prior.

1710, May 30[–June 10]. Dublin.—"Dyer's letter alarms people very much; every post he says something of my Lord Sunderland; sometimes that he is packing up his papers, and many such insolencies which I wonder are suffered."

"I know but little of the Court here, having much business to do; but those who frequent it say they believe my Lord seems dubious how long he may stay, because he prudently avoids all expense and is very civil to everybody.

"Last night in the Coffee House, Mr. Shadwell, one of my Lord's chaplains, gave a guinea to another parson to have two pence a day whilst my Lord is in the Government, and he hopes to make a little fortune out of his bet.

"Let me hear soon, and don't be too stingy." (VII. 32.)

Sir Thomas Hanmer to Matthew Prior.

1710, June 15[–26]. Euston.—"Though I am very well pleased to have left the town, I will not be spiteful enough to you who remain in it to talk of the pleasures of the country, except of one which you yourself have contrived for me, the receiving a letter from you; and the thanks I owe you for it won't suffer me to be silent in that. You see I might have lost the summer if I had stayed to see the fruits of the secret consultations which were to change the world. Methinks they ripen very slowly, and I wish they be not overtaken and nipped by the winter. One observation I can make, and I may venture to do it, because it arises most properly in the country, that the time which has already been lost must make a new election more inconvenient (were it now to come never so soon), and delaying it much longer will make it impossible. The conclusion, therefore, the dullest of us may draw, that without that step nothing can go on, for a new ministry with an old Parliament will be worse than the Gospel absurdity of a piece of new cloth in an old garment, or new wine in old bottles.

"Don't think me quite destitute of public spirit if I confess to you I think pretty indifferently of these matters, and feel no palpitations of heart concerning them. If it be a fault, I can't help wishing it to my friends too, that you might have no reason to wait upon the humours of men or the tricks of State." (VII. 34.)

Lionel Cranfield, Earl of Dorset, to Matthew Prior.

1710, July 14[–25]. Knole.—"If what I see in the papers is true concerning your restoration, you must give me leave to wish you joy; but I can't help thinking, if this is all your Church friends think of doing for you, and if so long a suspension is all you are to get for being so good a Papist, in

my poor opinion you could hardly have fared worse if you had never renounced Presbytery.

"I hope I need not tell you how well I wish you, and that if this piece of news is true, how sincerely I wish it may only be a forerunner of something infinitely better." (VII. 35.)

SIR THOMAS HANMER to MATTHEW PRIOR.

1710, July 17[–28]. Euston.—"I am glad to hear my Lord Anglesey has some amends made him for the disappointment in the Seals [Secretary of State], which had been so long by public voice voted to him. As they are fallen into the hands of a brother commissioner of yours [Lord Dartmouth], I hope you can't be without some benefit from them, by his friendship at least, if not by his removal, though both foreign and home prints put you into the place he leaves, and that's an acknowledgment how much 'tis your due, whether it be a true account of fact or no. I conclude it is not so, because you make no mention of it in your letter, and I conclude you wish my pleasure enough not to be silent in anything which you know would be the cause of so much to me.

"You take a very ill argument to persuade me to come up to town to hear and learn the news there, when I have it at so much better advantage in the relations you give me of it." (VII. 36.)

PETER NEEDHAM to MATTHEW PRIOR.

1710, July 20[–31]. St. John's College, [Cambridge].—"I am just returned hither out of the country, and find to my great satisfaction that you are at last restored to your commission, which I sincerely wish you a long and happy enjoyment of, unless a further promotion should prevent it. The other day I met with Mr. Annesley and Mr. Castleton, who confirm the good news, and give me hopes that this will not be the last mark of Her Majesty's favour to you." (VII. 37.)

The EARL OF CHOLMONDELEY to MATTHEW PRIOR.

1710, July 26[–August 6].—"My very good friend, nothing is so acceptable to a country gentleman like myself than to hear from my friends in town, and amongst them you stand in the first rank. I am only concerned that you do not confirm the news that is in the foreign *Gazette* to me, that Mons. Prior is made one of the Commissioners of Trade. In good truth I would rather hear that confirmed than have a patent for my own place [Treasurer of the Household] for life; though these times are as dangerous and uncertain for those that set their hearts upon holding places as perhaps ever were.

"I sit and philosophize over your *Réflections Curieuses*, and in the main am come to this point, that my books, my

garden, and my two little rooms over my greenhouse are my best tenure. And for one that has neither superstition nor more religion than is absolutely necessary, a quiet mind is better than to embroil, plague, and trouble myself amongst the kn—s and fo—ls about either Church or State, though I were sure to get by it—especially since I am like to muster in the last class and not in the first.

"But to leave politics, I desire Cavalier Davie would let me know what size he must have the stone got for his double figures, for should we go on with the design of his cutting the figures for my garden, I am in hopes I can find stone here, which will not only save the charge of carriage, but will also secure us from any breach or damage by so long a way of carriage as is from London hither. Pray let me know this in your next, and as anything new either at home or abroad happens, oblige your country friend with it, who cannot go to the price of Mr. Dyer, and therefore am quite ignorant how matters go." (VII. 38.)

Viscount Weymouth to Matthew Prior.

1710, August 11[–22]. Longleat.—"Knowing how little I could be serviceable to anybody, being in reality and also so esteemed a *miles emeritus*, it had been arrogance to have invited a correspondence, but you have long known that your letters were very acceptable to me.

"I have not seen any prints that mentioned any other employment for you than that you are restored to, wherein you may be very useful to the public, if you will please to set your shoulders to it, for Messieurs de Buyse and Vanderdussen, the now arbiters of peace and war, will scarce break their brains to restore or increase the sinking trade of England.

"There is indeed a great man [Godolphin] fallen, but he is not buried, and whoever shall be his successors will have work enough to keep the tottering cart upon the wheels.

"We are very busy in preparing for a new Parliament, and shall, I fancy, have pretty good success in many elections, but it will be difficult to satisfy the expectations of 550 men, and I never knew undertakers for Parliaments come off without some scratches." (VII. 39.)

The Earl of Cholmondeley to Matthew Prior.

1710, August 16[–27].—"My good friend, I am extremely obliged to you for your kind letters and the account you give me of these mighty events that are now in agitation. For my own part I would much rather hear your sentiments upon these matters than publish my own, having always had a very good opinion of the first and a very mean one of the last. And in good truth, as it is very difficult from the first lines of a landscape to judge the painter's design, whether it is to be a storm or a calm, so in these nice points I think it pru-

dence for us country gentlemen to suspend our judgments till Mr. Dyer, our top politician, lets us further into the secret. For my own part I have no other curiosity than what my duty to the Queen and the good of my country naturally leads me to; and if those go well, I am satisfied. I am quite out of the bustle, and have nothing but my own actions to answer for, which are in a very narrow sphere, about my private pleasures and concerns. For the rest I sincerely wish my friend Mr. Prior as great a share in these revolutions as he can desire himself." (VII. 40.)

ADAM CARDONNEL to MATTHEW PRIOR.

1710, Sept 1. [N.S.] Gand.—"I thank you, my dear friend, for your kind concern for me. I have indeed had a severe time of it, five or six days together light-headed, with convulsions for ten days, but I thank God I have now recovered a pretty good measure of strength, so that I design in two days for the army, where I will not fail to make your compliments immediately to His Grace [Marlborough]; and if I ever get into Duke Street again, I promise you it shall not be my fault if we are not better neighbours." (VII. 52.)

SIR THOMAS HANMER to MATTHEW PRIOR.

1710, Sept. 2[–13]. Euston.—"I am very much obliged to you for the trouble you have taken to secure our Quakers in the interest we wish them, but am sorry to tell you what the fruit of it all is; for either there is a great mistake somewhere or your friend Sir [*sic*] William [Penn] has dealt deceitfully with us. I applied myself to Dikes (the person you referred to) and after I had told him my errand and given him the signs which were to prove my mission, he was very much surprised, not knowing how to distrust either me or my tokens, and yet he assured me he had by that post received a letter from that very Edmund Cross, of Woodbridge, whom you mentioned as the person who was to receive the verbal directions from Sir William and convey them to the brethren, which letter expressly contradicted mine and earnestly recommended Sir Philip Parker and myself. I then hoped that might be a letter written before Sir William had spoke to Cross; I therefore desired him to write again, that the matter might be explained to him. This at my request he did, and last night sent me an account of the answer he received, which was positive for Sir Philip Parker. I can now go no farther in tracing the mystery, but must send it back again to you to discover the reason of such a proceeding. I make no doubt but you explained yourself to Sir William, that Sir Robert Davers was to be the partner in the same interest with me, but whether he made himself rightly understood by his subordinate friends is the only doubt which remains with me. For it has been an artifice used even here in the country by that party to

give it out that Sir Philip and I join, and with many ignorant people the trick obtained so far that it has cost me no little pains to undeceive them.

"If Sir William therefore gave the word for me and my partner and they by wrong information believed Sir Philip to be so, this possibly may have occasioned the mistake; otherwise I see nothing that can clear Sir William of having equivocated with you. I leave it to your farther enquiry, and if you can find him soon, and he be willing and in earnest to set this right, the time is not yet too late, for our election is not to be till Wednesday fortnight, which is the 18th."

Postscript.—"'Tis very confidently said that the Duke of Ormond makes interest for Stanhope, and that so does the Duke of Buckingham. It comes indeed from those whom I believe the less the more confidently they relate anything; but I wish very much to be satisfied in it, therefore pray inform me of the naked fact." (VII. 41.)

Henry St. John to Matthew Prior.

1710, Sept. 11[–22].—"I suppose you are by this time returned from the country, and therefore I send this note to acquaint you that the Queen has been spoke to in your affair.

"She is inclined to show you her favour, and is indifferent which commission she places you in; so that if you settle your business with the ministers, I believe it will meet with no obstruction above.

"I am always glad of an occasion of showing you that I am very truly your, etc."

Postscript.—"Give me notice when you renew your application, that I may put my helping hand at the same time to what you desire." (VII. 42.)

Sir Thomas Hanmer to Matthew Prior.

1710, Sept. 11[–22]. Euston.—"But that I have been from home this whole fortnight last past, I should have written to you, both because I have your letter to thank you for and a great deal in my own thoughts which I want to tell you of. But neither have I a moment's time now to do it, for I am teased and tired out of my life with an opposition which has lately arisen in this county, and though I am not opposed myself, it costs me ten times more pains to support my partner, who is very strenuously pushed at. Sir Philip Parker, who has lately had a great deal of money left him, scatters it upon this occasion at no rate, and this is seconded by three the greatest men of this county, who are content too for the forming an interest to stoop the lowest. You'll wonder to hear that I am to solicit you on this subject, but I believe you may very effectively help us,

and I beg you will. There are a great many Quakers here, who, I find, promise nobody, and preserve themselves indifferent, by which I conclude they have yet received no instruction from their leaders. I know you are very well acquainted with Sir [*sic*] William Penn, and I am apt to believe, if he be well applied to, he may at this juncture command his flock to appear for us. Let me desire you therefore to seek him out as soon as possibly you can, and to press him on this point." (VII. 43.)

The Earl of Cholmondeley to Matthew Prior.

1710, Sept. 19[–30].—"I was turning over Mons. Bayle's *Letter to a Doctor of Sorbonne* when I received my good friend Mr. Prior's last letter, and I could not help thinking that they are more portentous than any comet. I have received not one from you but what has either foretold or pointed out some remarkable change, or the downfall of some great man. Your last letter informs me that great and consummate politician, the Duke of Bolton, is turned out, and a much greater than he is come in his place, the Duke of Beaufort. Thus the State wheel keeps time with the lottery wheel, and whilst some few unexpectedly carry away the great prizes, the majority go off with blanks. The uncertainties in the public affairs of the world, and the uneasiness that naturally belongs to them does in good earnest still more and more fix my inclinations upon the quiet of my garden and a country life, from which I shall be with great difficulty drawn. However, my most hearty and sincere wishes are that everything may be done for the honour, glory and safety of the Queen; and though I own this is but a very impotent way of serving Her Majesty, yet a Treasurer, as I am, without cash and with little or no credit, hath nought else that I know but wishes. May every one in their several stations have the same disinterested zeal and sincerity in their words and actions as I will ever have, and then our good Queen will never be brought into any trouble.

"I hope my servants have sent the two pots of venison and fowl, which I desire Nanny and you will remember a country friend over."

Postscript.—"Pray tell Chevalier David I shall have time enough to settle all matters with him at my coming to town." (VII. 44.)

William Edmundson to Matthew Prior.

1710, Oct. 1[–12]. [St. John's College, Cambridge.]—"It is the unanimous request of the Master and Fellows that you would be pleased to come down on Wednesday next and assist Mr. Shaw in his election for this place on Thursday in the room of Mr. Annesley, who is called to the House of Lords. He is a particular friend of Mr. Hill's. I

presume he will wait upon you himself. Excuse haste." (VII. 46.)

WILLIAM SHAW to MATTHEW PRIOR.

1710, Oct. 1[–12].—"I must entreat the favour of you, if it be possible, to assist me with your vote at the ensuing election at Cambridge. My Lord Anglesey declines standing, and the contest is like to be great, and the division so near, that for aught can be foreseen one voice may turn it. The election comes on upon Thursday next at two o'clock, and if you can possibly come down to assist me, I can assure you it will be a great obligation to your friend Mr. Hill (who gives me leave to make use of his name to you), to the whole society of St. John's, who are entirely in my interest, and to, etc." (VII. 47.)

GRACE SHAW to MATTHEW PRIOR.

1710, Oct. 2[–13]. St. James's Street.—"Mr. Shaw is gone to Cambridge this morning. He wrote to you last night, but forgot then to beg the favour of you to use your interest in Mr. Wade, of Trinity College, to go down to Cambridge to assist him with his vote."

Postscript.—"I think Mr. Wade lodges in Bromley Street in Drury Lane, at Dr. Hobart's." (VII. 48.)

LORD HALIFAX to MATTHEW PRIOR.

1713[-14], Dec. 23[–Jan. 3].—"Now the post is open and I can write to Mr. Prior as a friend without charging the Secretary's packet with an address to a great minister, I shall be fond of beginning a correspondence about matters which no way concern the State. You are in the place of the world I have the greatest inclination to see, and since by one accident or other perhaps it will never be proper for me to make that voyage, I must beg your assistance to procure me some things which that happy climate furnishes better than any other. You told me you were acquainted with Frère François who writ the *Jardinier solitaire*; I have by advance made him this compliment, I have planted a garden of four acres at Bushy exactly upon his plan and design. But I have a greater scheme in my head: I have a farm at Apscourt of a hundred acres, all within a wall; it was formerly a seat, but the house is pulled down. The soil is perhaps the best in England for fruit, as appears by what is planted, and I would turn the whole into gardens and orchards for fruit. People would persuade me there are as good trees to be had here as in France, that their trees suffered much by the hard frost, but I would willingly try the experiment and make this plantation, by your assistance, for if my ground should agree with the trees (and they tell me 'tis not unlike the French soil), I should have better fruit than anybody. You find I should

want a great quantity, and I am not pressed in time, for the ground will not be prepared quickly, that there will be room to advise and take due measures in the choice of the trees most proper for our climate. Having thus opened my grand design, I desire that you will at leisure, and to unbend your mind, discourse Frère François and the learned in these affairs, and give me your thoughts upon it. Sir Andrew Fountaine has much obliged me in buying some little *bustos* and figures for me; I beg to trouble you with the enclosed to deliver to him." (VII. 53.)

[The Earl of Oxford] to Matthew Prior.

1713–14, Jan. 16–27.—"I have begun a very large letter to my dear friend Matthew, but cannot finish it until I return from Windsor, as you will perceive, when it comes to you, the reason of it. But I must not let Jonathan [Prior's servant] go without two words to tell you how much and how entirely I am your true friend and servant, and that the Queen is satisfied with your conduct, as we all have reason.

"The Queen's gout is going off, she came out into the rooms on Thursday. The alarm arose from her being at Windsor, which I could not dissuade her from staying so long where she likes and found herself so well. You know she has every year an access of an ague.

"Jonathan brings the instruments for the Queen's dowry; you may be sure they are such as our forms of law require. I beg you to be present as a witness at Her Majesty's signing them. Pray let there be no scruples, which will tend only to delay the payments, and you see already how Her Majesty's trustee has embarrassed and delayed the affair; and yet you know what his father owed and professed to that Princess.

"Mons. Lafay will bring my letters and compliments to Mons. Torcy. I am ever, dear friend, yours." *Unsigned.* (VII. 54.)

Lord Halifax to Matthew Prior.

1713[–14], March 20[–31].—"I give you a thousand thanks for two obliging letters I have received from you, and the fruit trees, which are all come in good condition, and are planted at Bushy. I wish you had sent with the trees the *mémoire* that Frère François made of the cost, that I might with the more freedom have desired your assistance in buying other things, and especially in finishing my plantations. If you will allow me to correspond with you on those terms, you will do me a very sensible pleasure, but I cannot content myself to put you to trouble and expense too upon the score of ancient friendship.

"I am also obliged to Mr. Drift for some melon-seed, which I shall try this year. This kind present puts me upon asking a further favour of that kind, which is, that, when you have an opportunity of sending them easily, you would

furnish me with some seed of the herbs commonly used for 'salating'; I have sometimes had of them from Madam Governey, and they eat much better, but they soon degenerate when raised from their seed here.

"I wish you could suggest to me anything that would be agreeable from hence; if you care for malt drink, I think I could send good of any sort." (VII. 51.)

Sir James Montagu to Matthew Prior.

1714, Oct. 17[–28].—"Dear Mat, Dick Shelton acquainting me he was to write to inform you of Lord Halifax's kind intentions to renew his friendship with you, I was willing his account of a matter, which, I hope, will be very pleasing to you, should be backed with another authority, and since I can vouch for the truth of what he is to relate, I thought it would not be unacceptable to let you know that I have had since some further discourse with your old master concerning you, and in it he expressed more concern than I can represent in this paper, to find there had been no better care taken of you. He is likewise a good deal uneasy to find people here so little disposed to do anything in your favour; therefore does apprehend he may meet with some difficulties in his endeavours to serve you; but is resolved, let the trouble be more or less, he will let you see he retains a tenderness towards you, which will exert itself whenever there is a proper occasion.

"The chief thing at present he desires to be informed of is how matters stand, and which way you can propose for him to take for the doing you the most service.

"The present turn of affairs happening to be on our side, he and I are got again into office, as the public newspapers have ere now informed you; which puts us both in some hurry and has hindered me from writing sooner to you." (VII. 55.)

The Earl of Halifax to Matthew Prior.

1714, Nov. 4[–15].—"I have received the favour of two letters from you, to which I was uneasy to give an answer. In those you was pleased to speak of some points about which our notions are very different. I shall always avoid to say disagreeable things to any one, especially to those one wishes well. Nor would I willingly seem to be misled and imposed upon. Therefore, if you please, let all those matters be passed over, and not mentioned any more.

"As to your affairs in the Treasury, I send you the account of what you have received and of the bills you have drawn. I mentioned it to Mr. Shelton, who was surprised at the sum, and seemed not to believe it was so. If you think fit, you will explain it.

"The commission of the Customs is renewed, in which you are omitted. I doubt in that you will think you might have

been favoured, but, if I may have credit with you, it was impossible." (VII. 56.)

PAUL METHUEN to MATTHEW PRIOR.

1714, Nov. 27[–Dec. 8]. London.—"I am ashamed that I have been so long without answering yours of the 9th inst., and beg you would believe that the only reason of this delay was because I was in hopes to send you some comfort at the same time that I acknowledged the favour of your letter.

"You will have heard of my going to Spain; and my departure is fixed for the tenth of the next month, so that I have not been at the Treasury this last fortnight, nor can I meddle with anything more there whilst I stay; howsoever, I must take this opportunity to acquaint you that I think my Lord Halifax is really and sincerely as desirous to serve you as I myself or any other of your friends can be; but your case seems to be so particular in relation to the Treasury that he does not well know how to go about it. For it does not appear that you ever had any Privy Seal or settled allowance, as all other ministers who go abroad have, and consequently those who are in the Treasury have no authority for paying you anything. Besides which they say you have drawn bills for more money since your being in France than would have been due to you if you had had the character of ambassador extraordinary, which I do not believe.

"When I sat there and received your letter, I told my brethren that I supposed your case was that your being sent to France without any other character but that of plenipotentiary was that you might not by ceremonies be hindered from doing business, and that the Earl of Oxford had only told you that he would take care to pay your bills for the money you was forced to spend.

"Upon the whole matter, I must do my Lord Halifax the justice to say that I think he is disposed to serve you, and I hope will somehow or other bring it about. I can assure you that I heartily pity your condition, and never see his lordship without putting him in mind of it. And if you are pleased to allow a man, who has not the honour of being so well known to you as he could wish, the freedom of giving you advice in this juncture, I believe the best course you can take is to insist on staying where you are till your demands are satisfied.

"I beg pardon for presuming to offer any to one who is so much a better judge of men and business than myself, but what I say proceeds only from my sincere wishes and desire to serve you. You will excuse my troubling you with the enclosed for the Duc d'Aumont; he was very civil to me here, and I shall always have a great respect for him. If I have not given him his right titles or all of them, I hope he will be so kind as to excuse it." (VII. 57.)

The Earl of Halifax to Matthew Prior.

1714, Dec. 2[–13].—"We have been under more difficulty to know how to serve you than you will easily imagine. The payments you have actually received, and the bills you have drawn do so far exceed any allowance either as plenipotentiary or ambassador that we were at a loss to know how we could justify any further payments.

"I read your letters to the King, and did not omit doing you all the good I could. The King has therefore ordered you should be paid the allowance of a plenipotentiary from the 1st August to the 1st December, together with a bill of extraordinaries amounting in the whole to 1,176*l.*, and the bills which were due in the Queen's time will be paid in course out of the Queen's arrears. I hope this will be to your satisfaction: I do assure you, if I could have contrived a rule more favourable to you, I would have offered it." (VII. 58.)

James Stanhope to Matthew Prior.

1714–15, Feb. 7[–18]. Whitehall.—"In answer to your letters of the 1st and 12th of February I shall only say that I have truly acquainted His Majesty with the contents of them as likewise with the justice done to you by the Earl of Stair in all his despatches. I likewise represented to His Majesty in Council, that it would be impossible for you to return home, unless you were enabled to pay your debts; upon which His Majesty has been pleased to direct that your demands as stated to my Lord Halifax be complied with, and accordingly I have signified His Majesty's pleasure thereupon to Lord Halifax." (VII. 59.)

The Earl of Halifax to Matthew Prior.

[Same date.]—"'Tis with great pleasure that I can now let you know that upon reading my Lord Stair's letter, giving an account of your readiness to obey His Majesty's orders, the King has directed us to pay you 2,408*l.* for the two bills of extraordinaries which you demanded, which together with what is due to you yet on your ordinary allowance shall be dispatched with all the favour and civility we can show you. 'Twill be a great pleasure to me in particular to hasten your return from an unhappy and uneasy station to your own country and friends, in which number I desire you will rank me." (VII. 60.)

The Earl of Chesterfield to Matthew Prior.

1717, June 15[–26].—"I have received your letter of the 11th instant, and 'tis a satisfaction to me when I can oblige an ingenious man, as I find I have done you, and only by sending you a trifle which I am glad was acceptable. As much as you think yourself out of the world, you must allow me to be more so, if you do but reflect how miserable I am

by the unfortunate want of my hearing; and though we are all apt to be partial to ourselves, yet I believe I may safely say that nothing this world affords can be an equivalent for the loss of so very useful a sense as that of hearing. To say more on this subject is only *renovare dolorem*, so I dismiss it. Whatever may become of other mortals when they quit this gay stage of noise, folly, madness, nonsense and impertinence, you are sure (glow-worm-like) to shine in the dark by the bright poems you will leave behind you. *Dignum laude virum Musa vetat mori.* As to your enemies, nobody in this world is without them, and the best way to be rid of that sort of vermin is to despise such as are not worth our anger; and others perhaps by kindness may be brought over to be our friends, as Catullus was by Julius Cæsar, who, you know, invited him to supper after he had writ a severe satire upon him and entertained him as kindly as if it had been a panegyric. A rare instance of moderation or dissimulation! Henry the Fourth of France, who was a good judge of men, used to say that more flies were caught by one drop of honey than a whole tun of vinegar. If a certain prince had tried this experiment at his first coming to the Crown, I believe he would not have met with that trouble and animosity from his subjects he has done. I do not wonder at your being out at Court, if you can't slide well, for 'tis very slippery ground, and the wise Earl of Strafford, who had his head cut off by a company of knaves as well as fools, advised his eldest son never to aspire to a higher employment in the service of his country than that of justice of the peace. Perhaps the present Earl of Strafford (notwithstanding his excess of bloated pride) may have wished more than once that he had followed this maxim. For what the poet says is true. *Tolluntur in altum, Ut lapsu graviora ruant;* and I hope our young Phaëton will quickly find it so, for I take him to be no better qualified for the high place he is now in, by tripping up the heels of his old friend and cuckold than the other Phaëton was to drive the horses of the sun. But 'tis a very common thing for madmen to undertake what they are not able to perform. Pray my service to Mr. Shelton, whom I think a very good sort of a man." (VII. 67.)

MATTHEW PRIOR to LORD HARLEY.

1717, Sept. 14[–25]. Duke Street, Westminster.—"I ought rather, my dear Lord, to have brought my person to Wimple than have sent you this epistle from Duke Street, but I shall be detained by a little business about a fortnight longer, and will with your good liking send a little before for your coach to be ordered to meet me at Royston. In the meantime pray send me word how long you will be at Wimple, for I hear you are going into the North; how long the Earl of Oxford stays with you, how my Lady and little Madam Margaretta do, and what else you think may tend to my satis-

faction, and more particularly if you have got me a rich wife in Cambridgeshire. I have nothing more to say to you now but what I shall say to you for ever, that I am entirely, etc." (I. 3.)

SIMON HARCOURT to MATTHEW PRIOR.

1717, Sept. 24[–Oct. 5]. Cockthorp.—"Dear Brother, I readily acknowledge the statutes of our Fraternity [The Brothers], and will always endeavour to observe them, in points especially that so nearly concern the interest of my brother Prior.

"I fear upon further enquiry into the affair of the Charterhouse, you will find you have been misinformed. Lord Harcourt assures me he has actually filled up his next turn, and left it, signed and sealed at the Charterhouse, in the hands of the proper officer. The boy my father has nominated is a son of the Rev. Christopher Banes, an old man, and what is worse, I fear, your schoolfellow. By this you will see your present case is not within the Statutes of our Society, and how impossible it is for us to have the satisfaction of doing a pleasurable thing to you. All I can say to you is, since your heart is so immovably bent upon doing good, that your best way will be to have recourse to the Master of the Charterhouse, and get from him a list of the Governors, by which you will see who of your friends are engaged, and who not, or whether any of your friends who are not engaged, and whose nominations are at distance, can prevail with any of their brethren whose turns are as yet unsupplied, and such as in course of time may be of service to you, and so we bid you heartily farewell." (VII. 68.)

MATTHEW PRIOR to LORD HARLEY.

[1717], Nov. 4[–15]. Cambridge.—"Victoria: for Gooche, 122; against us, 60.*

"Our old and new Vice-Chancellor is going immediately for London, being summoned to appear before the King in Council on Thursday. I shall give you an account on Thursday—I hope at dinner time—that I have executed your commands here."

Postscript.—"Service always to my best lady, love to Major [Foley]. I have made a hundred puns in forty-eight hours, to the joy and wonder of all my hearers." (I. 5.)

The SAME to the SAME.

1717, Nov. 7[–18]. Cambridge.—"Having been with the doctors and Dick Fisher ever since Your Lordship left me, you may very well imagine I could find neither pen or ink in their chambers, and if I had a better pen than Bentley himself or more wit than Sacheverel, I could neither suffi-

* A triumph for the anti-Bentleyan faction.

ciently thank you for your goodness to me at Wimple, nor express my own concern for leaving you. I always thought I loved you very well, but never before felt it so sensibly. But to talk like men of this world, I am very well received by all here except the Bentleyans and Bangorians.

"I saw the Provost just now and made your compliments to him; he is ill and in bed. I have gone my rounds and to-morrow morning set out to London. Though I did not desire you, I am sure you will give my great respects to Lady Harriette, and Lord and Lady Oxford, and my love—for it is a very pure and innocent passion—to little Margaretta.

"My writing to you is, you see, a kind of hankering after Wimple, and a desire of talking longer with you, for I have no earthly thing to tell you but what I hope you have long since believed, that I am ever, etc."

Postscript.—"The change of the two Court chaplains causes here *bella, horrida bella.*" (I. 8.)

Matthew Prior to Lord Harley.

1717, Nov. [30-Dec. 11], Saturday. Duke Street, Westminster.—"This letter, my dear Lord, is rather to know when I shall see you than to excuse my not having written to you since my coming to London. I have so much to say to you, that I reserve it all for a *tête à tête*, or I must be obliged to write a volume. Now, since talking with you is the thing in the world that I love, and writing a book the thing in the world I hate, I think myself excused, and as *Alma* says:—'He's half absolved that has confessed.'

"I have not been out of my house these ten days, being detained with a cold and rheum in my head, so you cannot expect much news from me. What people bring me in is the effect of an unhappy difference between the King and Prince, for which we say His Royal Highness keeps his chamber.

"The Parliament, they say, will be resty against the troops; Whigs and Tories begin to think there are not a sufficient number disbanded. What would people have?

"You have seen Bangor's last book. The Court, I hear, are resolved to sustain it, but that is not our business.*

"I have not seen Wanley; Tonson has, and the Dragon, I suppose, has convinced Your Lordship of the vellum as impracticable, improbable, impossible. The supplement to this defect is paper imperial, and the largest in England, of which due care shall be taken. Morley was with me this morning madder than ever about Fiske the apothecary and his copper-plate. Tonson and Drift have a little appeased him, and we shall have a plate as big as has been formed since the days of Alexander the Coppersmith. Will that do?

"Our pecuniary affair Morley will settle at his next return to London; there is no haste as to any thing of that kind; I shall see you before then at London.

* *Cf.* Portland MSS. (Hist. MSS. Comm.) *Harley Letters and Papers*, iii. 534.

"The Bishop of Chester, my near neighbour, has just now visited me; we drank your health in your own cider.

"My goods are come from France, and *Valerius Maximus* shall stay unseen till you vouchsafe him a visit.

"And now I have tired you, but you must read on, till I tell you that I desire you to give my great respects to Lady Harriette, and love to Peggy; pray likewise send me a turkey and some beer, and come as soon as you can to him who is ever, etc."

Postscript.—"Lord and Lady Oxford, I hear, will be at London as soon as you can have received this, so I do not trouble you with my compliments to them. *Vale.*" *Unsigned.* (I. 6.)

The Same to the Same.

1717, Dec. 14[–25]. Westminster.—"You have honoured my letter—as merchants call it—in a very compendious manner, by sending me for answer a great turkey, but if he had brought a letter tied to his leg, to tell whence he came, and how the people did that sent him, he would not have been less welcome. In short, when I asked you for victuals, I did not design your munificence should atone for your want of correspondence; a letter might have served as a kind of table-talk to a turkey. Though *quatenus* man, and subject to hunger, I ought to thank you for your present, *quatenus* friend, and desiring to hear from you, I ought to be a little angry at your silence. Pigeons sent into cities besieged, however they may be good meat in themselves, were always more kindly received when they arrived with any news from friends without doors; and the fish in the Popish legend might claim it as his right to be eat, but had like to have been canonized when the *annulus piscatoris* was found in his belly. And now, my Lord, my resentment shall go no further than to desire you to give my great duty to Lord Oxford, respect to Lady Oxford and Lady Harriette, love to little Peggy, good wishes to all your family, and Jonathan's extraordinary sense of your butler's perpetual civility towards him: and my letter shall end when I have assured you that you cannot do me greater favour than in honouring me with your commands, nor greater pleasure than in letting me hear from you."

Postscript.—"The news of the day is that the Prince and Princess are better as to their health, and Mr. Addison is at the point of death." (I. 10.)

Francis Atterbury, Bishop of Rochester, to Matthew Prior.

1717–18, New Year's Day. Deanery, [Westminster].—"I make you a better present than any man in England receives this day—two poems composed by a friend of mine with that extraordinary genius and spirit which attend him equally in whatever he says, does, or writes. I do not ask

your approbation of them; deny it if you can, or if you dare; the whole world will be against you; and should you therefore be so unfortunate in your judgment, you will, I dare say, be so wise and modest as to conceal it, for, though it be a very good character and what belongs to the first pens in the world, to write like nobody, yet to judge like nobody has never yet been esteemed a perfection.

"When you have read them, let me see you at my house, or else you are in danger, lame as I am, of seeing me at yours. And the difference in that case is that, whenever you have me there in my present condition, you cannot easily get rid of me; whereas, if you come hither, you may leave me as soon as you please, and I have no way to help myself, being confined to my chair, just as I was when you saw me last. If this advantage will not tempt you rather to make than receive the visit, nothing else will.

"Whether I see you or not, let me at least see something under your hand that may tell you how you do, and whether your deafness continues. And if you would flatter me agreeably, let something be said at the end of your letter which may make me for two minutes believe that you are half as much mine as I am yours, etc." (VII. 69.)

MATTHEW PRIOR to LORD HARLEY.

1717–18, Jan. 2–13. Westminster.—"This is to convey to you all the good wishes which people send at this season to those whom they love best, and to thank you for your very welcome letter, which would have pleased me perfectly, if it had told me my good and beloved Lady was entirely restored to her health. I hope by this time she is so, and that, when you go *ad stabellum*, you are casting your eye principally towards the coach-horses, and that they may soon cast theirs towards Dover Street. When you come hither—I must in friendship tell you—you will think the town one great Bedlam, such variety of madness and of melancholy will you find in it. The ingenious authors you mention to have lain neglected in the window should really be revised and published in England to teach us mirth and wit; but of this more when I see you, for I have a great deal to say to you. We are in Lincoln's Inn Fields *sicut olim*, only that after dinner I dare not persecute for want of my second, for which weighty reason among many other I think you ought to hasten your journey. I thank you for your inundation of most excellent beer; I have locked it safely up, and intend to give the key to Adrian, as I may do that of my library to Jonathan, that so my books and my beer may neither be touched nor embezzled. As to the Scudamorian, I neither dare ask or refuse, no man is obliged to pay his father's debt twice, and it may become a yearly tax which was first meant a present. We may converse at leisure on these points; my present business is to desire Your Lordship to give my

most sincere respects to my Lady, and to let me have the honour of continuing always 'most truly your servant.' (I. 12.)

The Same to the Same.

[1718 ?] Easter Monday.—"Caesar and Calphurnia have invited me to-day so solemnly to dine with my Lord of Oxford, that I could not in conscience refuse it; Your Lordship and Lady Harriet are probably of the party, if so, 'tis better and better. I am astonished at the surprising generosity of a certain Lady, and I think you are the properest person to tell her so; say whatever you can in my name, for every thing you say will be obliging to her. I can think but of one thing, which is, to let her know her present was thrown away upon me; for nothing can make me esteem her with more perfect veneration or excite me to serve her all my life with more truth and zeal, than her sweetness and goodness to all your friends, though she had not been pleased to confer so frequent and particular marks of her favour upon myself. *Addio, Signore, sono obligatissimo sempre.*" *Unsigned.* (I. 131.)

The Same to the Same.

1718, April [15–26], Tuesday.—"I beg Your Lordship's and Lady Harriett's pardon that I do not dine at home to-day, a gentleman in Lincoln's Inn Fields having engaged me; we shall drink your healths; pray do us reason." (I. 14.)

The Same to the Same.

1718, May 1[–12]. Westminster.—"By the letter which my Lord of Oxford received from you yesterday I saw that you and Lady Harriett are well, of which without any affectation I am as glad as he himself could be to whom the letter was directed. I hope my little Peggy is recovered of her indisposition; I know no child I shall love so well till I see one who may own the two *squires* for its parents. *A propos*, that affair goes on but awkwardly; since Lady Dup[plin] has had the administration in her hands, I have seen Jinny but once, and that too at Ombre, which is but a meagre entertainment for a lover. When you left London I well hoped I might retire to my own cell, but human expectations are vain, and I find myself only removed from Dover Street to Lincoln's Inn Fields, where a letter may surer find me than in Duke Street, Westminster. I will reserve the particulars of that scene till I have the honour of seeing you; imagine, however, a little of it by way of diary.—Monday. My Lord comes to see the Dups; rap, rap, a footman at the door; my Lord will call Mr. Prior presently, for he must dine with him as he promised; when or where that promise made, *nusquam constat.* 'Then you dine with me to-morrow,'—Tuesday—'for there is company that you ought to see, and Wednesday, for I dine alone.' 'Thursday,' says Lady Duplin in a soft

voice, 'we dine with my father, and he will take it very ill if you don't come, for he ordered me to invite you in great form.' And before this dinner is half digested, at that memorable moment when the toasted cheese appears, 'Prior, you dine with me to-morrow, for we must go to Richardson's before dinner. I'll call you at one, pray be ready.'—Friday. That 'one' is three. 'It is too late to go to Richardson's, but to-morrow we will go, and pray don't engage yourself, now I have given you fair warning.'

"I could continue my journal, but you may guess that one week is not unlike another: only take notice, that all this while I am very frequently told that my coming near Lincoln's Inn Fields is owing to my friends being gone from Dover Street, which reproach I could more easily bear if I had my dear second by me, to give a certain person a little mark of remembrance towards the close of the evening.

"Every morning and night I am plagued with commas, semicolons, italic and capital, to which I have given such laborious despatch and punctual order as to be ready to come *quo me fata vocant.*

"Adieu, my Lord, pray let my compliments be distributed as followeth:—My very great and sincere respects to Lady Harriett; my kind love and pure affection to little mistress Peggy; and my hearty friendship and service to the Cardinal and the Major [Foley]." (I. 15.)

Matthew Prior to Lord Harley.

1718, May 22[–June 2]. Westminster.—"I only know from my good sister Duplin's letters that her dear brother Harley is well; I desire by a word immediately to myself to be informed which very day you expect I should be at the Bath with you, upon which advice I will regulate myself; I would stay amongst my commas and colons till I may so join you as to wait on you in your western expedition, upon which I have greatly set my heart. We are all well, and one week passes here mighty like another; sister Duplin will tell you that her Lord and she set out for Yorkshire on Monday next. Pray write to me or I shall be very peevish, for to be guzzling twice a day to your health, and not hear once a month from you is intolerable. You will make my great respects agreeable to my Lady, and let the Major know that I intend to dispose of his steed; which is all at present (besides Dick's services) from him who is ever with great truth and zeal, etc." (I. 17.)

The Same to the Same.

1718, May 24[–June 4]. Westminster.—"By reading my last, my dear Lord, you will easily imagine the satisfaction I received from yours of the 21st; it is with great pleasure that I always receive your commands, but more particularly when those commands call me to you. I have not seen the

merchant; if I do between this and Wednesday next, 'tis well; I will stay no longer for any demetrian stroke whatsoever, but throw my person into the Bath coach on Thursday or Friday so as to be able categorically to eat roast beef with you on Whit-Sunday; in the meantime and ever I shall correspond in the manner most agreeable to you. Dup and Duplinia do not leave us till Tuesday, in Lincoln's Inn Fields *sicut olim*. I am pretty well *dégagé* as to my commas and colons, at least I shall be before the time I mention of waiting on you. I have a thousand things to say to you, but nothing more to write than that I am ever, my dear Lord and good Harriett's most humble and obedient friend and servant. Adieu, my dear Lord, *ama me, te semper amabo*."

Postscript.—"Adrian is yours always, but dares express it no otherwise than in promising he will transcribe whatever you order." *Unsigned.* (I. 19.)

The Same to the Same.

1718, June 25[–July 6]. Fountmel, near Shaftsbury.—"I hope, my dear Lord, that this letter may find you returned safe and sound to the Bath from your more western expedition. In the uncertainty in which I am when you design to move again, where you go next, or when to my Lord Paulet's, I send Jonathan over to you. If you design to visit Lord Paulet in a day or two, I am nearer him at the place from whence I write than if I were at Bath, and if I knew your time, I would meet you at Lord Paulet's. If you stay some days longer at Bath before you journey to Lord Paulet's, I will pay my duty to you at Bath; in which case I can be with you on Friday night. Your answer shall determine me; to this end I send over Jonathan, and stay here till I am directed by your motions or intentions. I am with my good friend Dr. Dibbens in a place where even a messenger would have difficulty to find me. If I did not desire you, I am sure you would give my great respects to my Lady, and if I said nothing of my being your servant, you would easily believe I am such. Adieu."

Postscript.—"Service to Major [Foley]: pun: and apart we drink to Harley and Oxford, though we are both Cambridge men." *Unsigned.* (I. 21.)

The Same to the Same.

1718, August 26[–Sept. 6]. Westminster.—"Since I had a great deprivation of pleasure in parting from you, my dear Lord, I have suffered much actual pain and uneasiness from a violent cholera-morbus which—God be thanked—is now past, and only leaves me as yet very weak. I dined to-day with the Earl, and am returned to the land of the living; this account I thought proper to give of myself, finding my health a thing of so great concern as to have given Your Lordship the trouble of a letter to know the state of it,

and whether that letter gives more satisfaction to me, or more honour to Adrian is a point very disputable. I will leave him to make his compliments as he can, and only tell you—as to my own part—that, be my life longer by fifty years, it is so much time dedicated to your service, for I am with the greatest respect—

"Here you see I could end my letter with four words more; but first, pray let me desire Your Lordship to give my best wishes and greatest regards to my Lady; let little Peggy know I love her as a mistress, and the Major that I defy him as a rival, though I esteem him as a friend; and so, my dear Lord, adieu. As soon as Bucephalus is cured of the farcies, and the devils cease to torment me in a morning before nine, I hope to wait on you at Wimpole.

"Our news here is all uncertain, and our victory in the Faro* does not cause great rejoicings in the city of London; once more, my Lord, adieu." *Unsigned.* (I. 24.)

Francis Atterbury, Bishop of Rochester, to Matthew Prior.

1718, August 27[–Sept. 7]. Bromley.—"The first news I had of your being ill was under your own hand. It was a pleasure to me to find that the worst of your illness was over. I am well acquainted with that distemper, having smarted severely under it myself. Depend upon it, 'tis an acquaintance that will not easily be shook off; you'll hear more of it if you give it the least encouragement to renew its visits. But temperance, good hours, and a little exercise (to all which you are well inclined) will keep it at a distance.

"Mr. Clough, as early as he was, came too late; I had already disposed of the living. However, I frankly said to him what I now say to you, that, if I had not been engaged, I should not have been willing to give it to him. 'Tis a vicarage in a great market-town which requires perpetual residence; and he has another vicarage, which with his minor-canonry is of a value equal to that of Dartford, and which he had no thoughts of quitting, but hoped to have made both consistent. That is a scheme which I can no ways approve, especially in a young single man who does not want a tolerable support, for he has a good 100*l. per annum* now coming in. So much for his affair, upon which I can fully justify myself when I see you.

"But when will that be? Do you remember the solemn promise you made me of coming down hither this summer? You have but a little time left to keep your word in. I have expected you with impatience, my peaches and nectarines hung on the trees for you till they were rotten; and one of my poetical neighbours who observed my uneasiness and thought I wished for your company a little more than his, applied these verses of Virgil to me:—

*The destruction of the Spanish fleet by Admiral Byng, off Cape Passaro, July 31-August 11.

Mirabar quid moeste deos, Francisce, vocares,
Cui pendere sua patereris in arbore poma.
Tityrus hinc aberat, ipsae te, Tityre, pinus
Ipsi te fontes, ipsa haec arbusta vocabant.

"And what excuse shall I make for Tityrus? That he neglected his little friends for the sake of his great ones; that he was paying his court somewhere and getting—the cholic! You know what Tityrus says for himself in the lines that follow:—

Quid facerem? neque servicio me exire licebat,
Nec tam praesentis alibi cognoscere Divos.

"Would I could say of any one of those *Divi*, in your name, as he does in his own:—

Ille meas errare boves, ut cernis, et ipsum
Ludere, quae vellem, calamo permisit agresti.

"Those two words, *quae vellem*, touch me to the very heart, they are worth the whole Eclogue.

"You see what a deluge of Latin poetry you have drawn upon yourself by that half line of Virgil at the end of your letter. I cannot end mine without observing to you upon it the advantage which the copy in this case has over the original. Virgil in those five little words *dum spiritus hos regit artus*, has expressed the whole force of a line and half in Homer:—

εἰσόκ' ἀϋτμὴ
Ἐν στήθεσσι μένῃ καί μοι φίλα γούνατ' ὀρώρῃ."

Regit artus takes in all that Homer means and leaves out nothing but the particular mention of φίλα γούνατα which adds not to the beauty or strength of the image, and is better therefore omitted than expressed.

"The rise of this reflection is from the gout, which has at present laid hold of me. Should it take away the use of my φίλα γούνατα I should be nevertheless yours, because I am so while I breathe. To-day, to-morrow, always; at Bromley, at Westminster, everywhere; in Greek, in Latin, in English; and which is more, in good earnest, I am your faithful humble servant." (VII. 74.)

Matthew Prior to Lord Harley.

1718, August 30[–Sept. 10]. Westminster.—"I only write this word to you, my dear Lord, to thank you for your very obliging letter of Thursday, and to tell you I am well again, *i.e.*, gathering strength, the distemper having left me; that I dined yesterday in Lincoln's Inn Fields, and will eat your venison to-morrow in my own palace of Duke Street.

"You will hear from Lord Oxford that little Tommie Haye has the small pox, of a very good kind, and is likely to do well. I doubt this may hinder Lady Oxford going into the country so soon as she proposed, but alas! unforeseen accidents hinder our strongest resolutions. My friend Dick

is eternally your servant; Batty [Lord Bathurst] will have me go next week for three days to Riskins [Bucks].

"A pox take Oventon! Who sent him to Bineger fair! My farcy horse will never be other than a runner. Pray tell the Major that. Shall I knock him on the head, or bring him down, that he may run to grass, or be a breakfast for your dogs?

"You see I have nothing to entertain you with, or I would not so soon say I am, my dear Lord, entirely and always my Lady Harriett's and your servant."

Postscript.—"Pray don't put up all the pictures till I have the happiness to see you. Adieu." *Unsigned.* (I. 26.)

M[ARY] LADY LANSDOWNE [of Biddeford] to [MATTHEW PRIOR].

[1718,] Sept. 4[–15].—"If I had been in a condition to wait upon Your Excellence as you bid my brother Harry [Villiers] tell me, I had done it before now. The request I sent by him I thought a reasonable one; it was only to have leave to take a copy of that picture [by Kneller] which you have of mine, and which you do me too great an honour to set any value upon. I hope upon second thoughts you will not refuse it. Mr. Seamen, who delivers you this, is the person whom [*sic*] I desire may copy it, and will give you a receipt for it; you may trust him, though you doubt me. I am very much in earnest in this, as well as I shall be in being if you behave yourself handsomely, your humble servant." (VII. 75.)

The DUKE OF BUCKINGHAM to MATTHEW PRIOR.

[1718, Sept. ?]—"For fear I should wear out your poem [*Solomon on the Vanity of the World*] with reading it so often, 'tis here returned with all the thanks imaginable for so agreeable an entertainment. But notwithstanding all my luxury at this first course, I am impatient for a second whenever you will extremely oblige." (VII. 80.)

LORD BATHURST to MATTHEW PRIOR.

[1718, Sept.?] Monday. [St. James's Square].—"Not daring to disobey your commands, I return your *Alma* by this messenger, but why you could not suffer her to stay with me a little longer, I can't tell. I own I am in love with her, but as she is immaterial and all spirit, you might, methinks, have safely left her with me; but I rather choose to follow your inclinations, though they seem to me unreasonable, than gratify my own, though very justifiable.

"Now as to my waiting on you to the Bishop's on Tuesday, I told you when I was in town that I could not, for my coach is to go to fetch my mother from Farringdon, and then we go immediately into Wiltshire. I have writ him word so, and that, as soon as I return, I would not fail to attend him; where you will be by that time I know not;

I'm sure you know less yourself, but wherever you go you will never find any one more sincerely yours than, etc." (VII. 79.)

MATTHEW PRIOR to LORD HARLEY.

1718, Sept. 18[–29]. Westminster.—"It is with a great deal of joy, my dear Lord, that I hear you are well, and with more that I shall hasten to you, as soon as twenty complicated attendances will give me leave. In the meantime I send Mr. Ovinton my horse, that I may the better be enabled to take my journey. Pray let the steed be fairly examined by a Cambridgeshire jury, and his sentence pronounced according to his merits or defaults. I fear he will be condemned to die, in which case he must submit to fate as Socrates and other great personages have done. What I know of the matter is, that your dogs had better eat him at Wimpole than that he should eat me ten shillings a week at Westminster. The Major's horse that was sold, I think, for more than twenty pound, is worth less than twenty pence, which is another anecdote for those gentlemen of the equestrian order.

"We are all here as we used to be; my Lord Oxford will bring me to Wimpole. *Quando?* Little Dup is perfectly recovered of his small pox; *Solomon* [*on the Vanity of the World*] is almost perfected; Wanley is very good to me in his corrections, but mighty angry with the printer about filthy hooks, meagre letters and unequal lines. Dick Shelton and I drank your health last night with Bob Friend. You see I have nothing to say to you, but to make my letter of some consequence pray give my very great and very true respects to Lady Harriett from him who is ever her Ladyship's and, my Lord, your most faithful and humble servant.

Postscript.—"Service to Major. Adieu. You see the enclosed letter of attorney is very authentic. I believe the Major and Mr. Morley will find it good in law." (I. 30.)

THE SAME to THE SAME.

1718, Sept. 25[–Oct. 6]. Westminster.—"My letter of attorney to Mr. Ovington has, I perceive, given Your Lordship a lazy pretext for turning off my correspondence to you upon him. Now remember, my Lord, that, as we used to go together *ad stabellum*, so we should go together in our equestrian as we did then in our pedestrial affairs. I write thus far in this style, because I know the Major likes it. I violently suspect him to have been a party in writing the letter which I last received, and so does a better judge than I, with whom I dined yesterday, and am to dine to-morrow, yet with whom, too, I am not perfectly well at this present writing, because I could not dine with him to-day. We are to go to Mr. Caesar's the beginning of next week. *Bon, Mons. Prior.* We are to come to Wimpole at the latter end of the

week. *Bon, Mons. Prior.* But I will tell you, *tout de bon*, that we have finished our book, and I shall hasten as fast as I can to his dear embrace whom I love, how well I cannot express, provided he will previously tell me how he, his excellent Lady, and pretty Lady Peggy do. Adieu, my dear Lord." *Unsigned.* (I. 28.)

MATTHEW PRIOR to LORD HARLEY.

1718, Sept. 30[–Oct. 11]. Westminster.—"I am to acknowledge yours, my dear Lord, of the 25th, and to thank you for a correspondence, which, telling me that yourself and adorable Lady Harriette are well, gives me the most welcome news I can possibly receive. I am at the last sheet of *Solomon*, and consequently very near the coach towards Royston. I have just told Earl of Oxford so; he says he will take me with him to Wimpole in few days, to which my answer may be seen, if you please to turn over *Rusticus expectat dum defluat amnis.* I am to dine in Lincoln's Inn Fields to-morrow, then the whole matter of our journey will be settled. *Dubitasne adhuc? dignus es odio cum religione tua isthac.* In all cases I will write again to you next post, and am serious whilst I tell you that in a week I will wait on you, and am every week-day, hour and minute of my life most sincerely, etc."

Postscript.—"I hope you have eat your Michaelmas goose, if you have one to spare, pray send him *cito, cito.*

"Dick is with me; we this moment drink to the healths of Lord Harley, Lady Harriette and little Peggy. When I see my Major [Foley], all equestrian and pun-ic differences shall be adjusted *à l'aimable.* Adieu, my dear Lord, once more yours ever."

Postscript signed R. S. [Richard Shelton].—"Mr. Prior does me the favour to let me add a word to his letter, in which, perhaps, he may have called me twenty rogues and rascals; but he let me so fairly see that Your Lordship did me the honour to think on me, that, whilst I return you my thanks for the favour, I beg leave to add that I shall esteem it the greatest honour to receive any commands from my Lord Harley." (I. 32–33.)

THE SAME to THE SAME.

1718, Oct. 4[–15]. Westminster.—"I intended to answer the exactness of your correspondence no otherwise than by releasing you from the trouble of it, by telling you directly the day when I should have the honour and pleasure of seeing you. This I had concerted as fixed as Drift, the Royston coach, earnest given, and a long *et cetera* could fix any human affair; the rest to be explained *inter matutinam théam aut postmeridianum vinum ad Winpoliam*, which will be Thursday or Friday next, the present state of matters thus standing; Caesar is in town, and to-day in Lincoln's Inn Fields, it is ordered, that Mr. Caesar goes either Tuesday,

Wednesday or Thursday, N.B., to Bedington [*sic.* cf. pp. 462, 486, *infra*], that I go with him, and from thence he brings me the next day to Wimpole. I have assented to this for the best reason in the world, *i.e.*, because I dare not withstand it; so, my dear Lord, you are to take no more care for me till you see me; in the meanwhile do me the justice sometimes to remember me as entirely yours."

Postscript.—"The coffee-house discourse of to-day is that Stanhope is or [is] to be out. I congratulate the recovery of blood-roan, so does the Earl of Oxford. Mr. Morgan is not sorry, but we are all more pleased with Bentley's farcies, which hinder him coming out of his stable than with the course which the t'other beast is to take from the stable to the dog-kennel.

"Adieu, my dear Lord, give my respects always to Lady Harriette, and service to my equestrian friends, the Major and the Squire; till I see you, then, and ever I am once more yours.

"Friends Dick and Adrian are yours; we drink your health, Lady Harriett's and little Peggy's this moment in my parlour, and are sorry that you have ne'er a goose to your A—." *Unsigned.* (I. 34.)

The Same to The Same.

1718, Oct. 9[–20].—"The pleasure of hearing from you so often—for which I very much thank you—is the greatest I can enjoy next to that of seeing you. All doubts and delays removed, I set out to-morrow morning at the hour of nine, with Mr. Caesar in his coach, from his house in Poland Street, St. Gyles, to his other house at Bedington, Hertfordshire. This I take to be categorical, positive and determined. I am to stay with him a day or two, and he, Squire Caesar, will from thence convey me to Wimple, and set me down in your porch, directed to the Right Honourable the Lord Harley, and marked upon my back, M.P.

"Bentley's disgrace pleases everybody here; to see a divinity professor rebelling against his university, and a pedant humbled, affords great subject for speculation and ridicule.

"I will perform your commands in everything, provided you will make my great respects agreeable to my Lady, and believe that I long to see you with all the ardour that an inviolable friendship can inspire. Adieu, my Lord, I am ever yours. Love to little Pearl, service to Major [Foley]. My ally Dick, and deputy Adrian, and all that any way belong to me are your servants." *Unsigned.* (I. 36.)

The Abbé Gaultier to Matthew Prior.

1718, Oct. 20. N.S. Paris.—"Le gentilhomme qui vous rendra ma lettre vous dira que nous nous sommes souvent

resouvenus de vous, le verre à la main, et que je ne cesseray jamais de vous chérir et de vous aimer ; j'auray toute ma vie une reconnoissance parfaite de toutes les attentions que vous avez eues autrefois à me faire plaisir pendant nos voyages et mon séjour à Londres : je me flatte que vous estes bien persuadé que j'ay pris toute la part que je devois prendre à tout ce qui vous est arrivé depuis votre retour en Angleterre. Vous méritiez un meilleur traitement après les grands services que vous avez rendus à votre patrie : je pourrois mieux que personne les faire connoistre car j'ay esté témoin pendant plusieurs années de toutes vos actions et de votre conduite irréprochable ; je dis tous les jours à tout le monde tout ce que vous valez et personne n'ozeroit devant moy parler de vous qu'en bons termes ; et je veux qu'on vous rende toute la justice que vous méritez, et qu'on vous doit ; et qui que ce soit ne vous la refuse me praesente. Nos anciens amis, du nombre des quels est mon grand patron, M. le Marquis de Torcy, vous aiment toujours ;. toute sa famille en fait de même, et n'a point changé à votre égard. Pour moi je vous proteste que je seray toujours avec beaucoup de considération et d'estime, etc."

Postscript.—" Pour parer et orner mon appartement il ne me manque plus que le portrait de votre Grand Trésorier et le vôtre : je les auray quand vous voudrez ; soyez assuré que je feray un grand cas de l'un et de l'autre." (VII. 81.)

Matthew Prior to Lord Harley.

[1718,] Oct. 11[–22] Saturday. Benington.—" I am come thus far, my dear Lord, in my way to Wimpole, and am here so well received that I thought I was at your house. Cuttle, who is just come hither, convinces me to the contrary ; Mr. Caesar and my patroness are hereupon fallen out with me ; they tax me with ingratitude for having a mind to leave a place where I am very welcome, and people that use me better than I deserve ; upon the main I, who am always pacific, have endeavoured to compound the matter, and we have formed a quintuple alliance, into which Lady Harriett and Your Lordship are to be admitted, that on Wednesday morning next the aforesaid Squire Caesar, his Lady, and myself do render our persons before the hour of dinner to you the said Lord and Harriette Lady Harley, at your house at Wimpole, Cambridgeshire ; in the meantime we send Mr. Cuttle with this assurance, and charge him with our best recommendations to you both, to which I have only to add my being now and ever most particularly, my dear Lord, yours M. Prior.

Present.

Who desire the acceptance of their most humble service.

M. Caesar.
C. Caesar."

(I. 125.)

THE SAME to THE SAME.

[1718, Dec.]—"The remarks upon one paragraph of the declaration of war with Spain my Lord Oxford commanded me to bring to him to-day at dinner I have lost or mislaid, as well the original as the copy taken in Drift's hand *pro solita mea diligentia et cura*. Have not you one or both of them? If so, pray send it by John, and I will return it safe; if you have not, pardon the impertinence of this message. I need not say I wish you all the happiness of a new year, but if you will let Lady Harriet know that I wish the same to her and all the good that Heaven can give or man enjoy to you both, you will do great justice to the friendship I have to you, and add a new obligation to many with which you have honoured me.

"N.B.—Little Peggy is concluded in my wish, and I am ever yours." *Unsigned.* (I. 130.)

THE SAME to THE SAME.

1719[–20], Dec. 29[–Jan. 9]. * Westminster.—"I have eaten your goose, the best that ever was cut, and am eating your brawn that accompanied it, the noblest that ever was nigled. I have been with Richardson; he says he has not a very distinct idea of what you left in charge with him relating to Spencer's head, and begs you to renew your commands thereupon.

"Hayes is returned from France, but as to my affair, *re infecta*. Arthburthnett was not at home, the bulk was too big to be put into a cart, the goods must come by another way, etc., etc. Silly and nonsense after all the letters writ on that subject, and hopes I had of seeing my pictures soon, but what is this to you, my Lord? Why 'tis very natural to complain to those one loves.

"I dined yesterday upon a drum *tête a tête* with Auditor Harley and talked politics till eight o'clock; if we drank your health, Lady Harriette's or little Peggy's is not a question. That grave person delights in Madeira before and at dinner, and in a bishop in a great glass after, but pass for that, *odi memorem compotatorem*.

"You will easily imagine how heartily I wish you all a happy new year, and I presume you think me always and entirely yours. When do you come to town?" *Unsigned.* (I. 38.)

THE SAME to THE SAME.

1719, April 14[–25]. Westminster.—"I can only tell you that I think the time long since I parted from you. I have just done what might be expected from my punctuality and good breeding; instead of waiting on my Lady Harriett at ten, I came after twelve, and instead of answering her very kind command that I should dine with her, I had pre-engaged my person to dine at home; so far right; to-morrow

*A badly blotted date led to the misplacement of this letter, which must belong to the year 1719-20. *Cf.* p. 468, *infra*.

will amend all. I have otherwise done all I ought to do; I have made my compliment to His Grace the Chancellor; *non erat domi*. I have imparted my mind to brother Wyndham, who will do it to his father-in-law. I have been to wait on Lord Carleton; I have spoke to everybody I can think of. I shall tell you all on Friday night, till which time and for ever I am *in*tirely or *en*tirely—let Wanley decide—I am yours.

"Lord Sunderland in an eloquent speech to-day has signified that the Bill of Peerage is to be dropped this session, and to be renewed the next; you will easily imagine the various sentiments that arise upon this subject. We are to dine with Lord Oxford on Thursday. I am to dine with Lady Harriette to-morrow. Smoke *we* and *I*. I hope to sup with you on Friday night, and have not one pun for my good Major [Foley], to whom only my service without the least equivoque in things or words. My dear, dear Lord Harley adieu." *Unsigned.* (I. 42.)

JONATHAN SWIFT to MATTHEW PRIOR.

1719, April 28[–May 9]. Dublin.—"I thought to have had the happiness of seeing you before this time, because my health required a journey; but whether I fancy my head is something better, or that little paltry impediments stop me, or the *sang froid* of fifty, I cannot tell; but so it is that I have passed the time and cannot be at Aix la Chapelle in May, as I intended, and writ to my friends in London that I would. But I am going to try a more lazy remedy of Irish country air, and as my return is uncertain, I thought fit to let you know that your subscribers want their books, and that your bookseller is a blockhead for not sending them. I spoke to one Mr. Hyde, a bookseller here, who has been employed that way; and they must be sent in quires consigned to Mr. Hyde, bookseller, at his shop in Dame's Street, Dublin. Pray order that they may be sent as soon as possible, and care shall be taken to have them delivered to the subscribers, and receive the second guinea. I am just getting on horseback, and have only time to desire you will please to present my humble service to the Earl of Oxford, etc." (VII. 101.)

RICHARDSON PACK to MATTHEW PRIOR.

1719, May 8[–19]. Jermyn Street.—"I here send you an handful of daisies in return for your garland of myrtle and roses: such, indeed, is the difference between the present I now presume to make and that with which you lately honoured me. However, I will not trouble you by offering at an apology on this occasion, nor aggravate the folly of my verse by the dulness of my prose in excuse of it. When once we have had the confidence to put ourselves into the lewd hands of booksellers (who may be called the bawds of wit, and, like those in beauty, are always drawing in some giddy creature or

other to the loss of their reputation), it would be as ridiculous a thing in us authors to set up for a squeamish modesty with our friends (forgive me that I have the vanity to reckon you in the number of mine) as it would be in a woman who hath been common to the whole town to affect coyness with a person of honour in private. A frank confession is, in my opinion, much better than a lame defence. To acknowledge, therefore, the truth to you, Sir, I fell into this wicked way of scribbling when I was very young, and I have been, I don't know how, by people's indulgence suffered to run on in a kind of confirmed way of sinning. But I am resolved hereafter to take the same method of chastising my thoughts, which I have sometimes practised to reform my manners; and as I frequently, when I have been tempted to the commission of an unbecoming action have asked myself would this or that person have been guilty of it? so I will put the same question to my Muse, when she is falling into any of her idle excesses, and ask her if such a trifling fancy, such a low diction or unequal measure could have escaped Mr. Prior? The virtue of an example so edifying cannot fail either to direct or restrain me." (VII. 105.)

MATTHEW PRIOR to LORD HARLEY.

1719, June 20[–July 1]. Westminster.—"I hope this letter will find you in good health as I am at this present writing. Pray give my great duty to my Lady, is the substance of all I have to say, for I only write to you because you commanded I should do so. The news from Scotland you have printed, and I know no more of it than that our politicians think the account very imperfect. We dined yesterday at Mr. Vernon's at Twickenham, where the company was so good and the conversation so easy that I wished you there, and so did everybody else. Batty is not well, at which I am heartily troubled. To amuse the cares of life, I, like Solomon, have set my mind upon the magnificence of building, and my stairs will be sawed out next week. I drink to your health with that great philosopher Dick, and that ingenious person Adrian. Adieu, my dear Lord, believe me with great respect and friendship." (I. 45.)

The EARL OF CHESTERFIELD to MATTHEW PRIOR.

1719, July 15[–26]. Bretby.—"I have received two letters from you, the first of which I could not answer by reason of the cruel indisposition you mention, and which has left me a cripple. By your last I find that a bright poet and a great philosopher may be overrun with the spleen; and yet I cannot blame your intended retirement, for ever since I have known anything of the world I have always thought those most happy who live most out of it; and had I not lost my hearing, yet I can assure you I would quit that stage of vanity, and because I know what the world is. What was

no more at first than *rudis indigestaque moles* is now a mass of folly, treachery, deceit and wickedness, and he that plays upon the square is sure to go off a loser. Knaves may like it, and fools may be fond of it, because 'tis the nature of the last to admire what they don't understand, just as the wild Indians do glass beads, scissors and knives, and with which they very often cut their own fingers. As for your enemies, the snarling critics, and the little would-be wits, you ought to follow the advice the last King of France gave to Mons. de Villars, viz., don't you mind what those people say. Villars followed this advice, and it made him easy when nothing else could. I have now read over your book, and since you will needs have my opinion of it, I think, if any of those that are gone before you have writ better, those that come after you will never write so well. Your beautiful ideas, and nice turns of wit are all lost upon the illiterate, and perhaps the *vere adepti*, who are acquainted with them, may (as the fox did the grapes) envy what they cannot reach, and out of ill nature find fault with what ought to be commended. Alcidiana (who, I see, is a subscriber to your book*) writes me word she is extremely pleased with your poetry; she says your figures are lively, infinitely moving, and takes particular notice of this beautiful and moving interrogatory in your *Nut-Brown Maid.*

'Are there not poisons, racks, and flames, and swords,
That Emma thus must die by Henry's words?'

I can assure you (whatever you may think) that I have no more than a very great respect for Alcidiana, and I believe that great and extraordinary lady is satisfied of it. I have often thought that when a man has ill health and grows old, he ought to look upon a fine woman only as he does upon a beautiful tulip, or anything else that demonstrates the glorious works of the creation; but I confess 'tis hard, very hard, to arrive at this pitch of philosophy. My vexations, attended with constant ill health, and the treachery of some friends and relations, has made life insipid, and altogether tasteless to me, and nothing but my not being an atheist could keep me from sending myself out of this world.

Vita miseris longa, felici brevis.

"I very seldom have any company come to me, and I am glad of it, because their conversation (if it can be called so) runs upon nothing but dogs and horses. When that topic falls, they are speechless, and put me in mind of what Mr. Dryden says of the clown Cymon in his *Iphigenia*:—

'He whistled as he went for want of thought.'

"As for the bottle, I never make any use of it (though it be *vinum* [*Hippo*] *crass, colore rubrum*), but just at dinner and supper. You may now, perhaps, ask how I pass away my time in this enchanted castle, and where I have nobody but a little

* *Poems on several occasions.* Alcidiana, formed apparently from Alcis (Minerva), most probably stands for Lady Harley.

son of mine that is but fourteen to live with me. Why, I will tell you. As I have a terrible and domestic enemy to deal with (I mean the rheumatism), so, as soon as I am able to get out of bed in a morning, I ride about my park till dinner time. The afternoon is spent in reading or writing, but whether to any purpose or not I must leave you to determine by the enclosed poetry I here send you, with a warrant for a buck, over which may Mr. Prior with my old acquaintance Dick Sheldon,

'Crown with my health the sprightly bowl,
And bright Falernum fire the poet's soul.'

"I do not question but that I am now at the end of your patience, as well as that of my letter." (VII. 108.)

Enclosing an *Imitation of Virgil's Seventh Pastoral*, and some other verses.

John Morley to Matthew Prior.

1719, July 29[–August 9]. Halsted, in Essex.—"What can my honoured friend Mr. Pryor think or I say in excuse for my omission in not waiting on the person I so much value and admire; sure none but the superior of the fair sex could have prevented my zealous inclinations.

"To increase my uneasiness I found Dame Betty had been very ill, but this day better.

"I presume the Lord and Lady Harley are retired to their country palace.

"I beg you will please to honour me with your presence, and any friends of yours, at the cottage which the Phoenix of her sex hath been pleased to honour, which I hope will atone for my presumption.

"The Sudbury coach comes every Tuesday and Saturday by five in the morning from the Spread Eagle Inn in Gracechurch Street, and will bring you to my hut in Gestingthorpe, four miles short of Sudbury, in good time the said day.

"You'll find good beef and beer,
And other country fare,
With hearty welcome there,
Please therefore to appear."

"For Matthew Prior, Esq., at his house in Duke Street, London." (VII. 112.)

Matthew Prior to Lord Harley.

1719, August 18[–29]. Westminster.—"I have only to tell my dear Lord that Lady Harriett on Saturday gave me the liberty of your house, which I exercised with equal prudence as generosity, administering to Richard Shelton, to Humphrey Wanley, and Parson Jeffreys, to each—I say—one bottle of Bordeaux wine. I have since been frequently in Lincoln's Inn Fields: *sicut erat, nunc est.* Pray write to me if you intend to come hither to fetch Lady Harriett, or if I am to come to you, for in all cases I would most willingly

obey your commands. I need not tell you that, wherever you are, I desire to be with you, or that I am ever and entirely yours."

Postscript.—"The Duke of Bucks writes me word that my Lady miscarried this morning; possibly this accident may save the life of the Duchess and hasten Lady Harriett's journey to you. Dick is with me while I write this, and Adrian, who makes up the letter; both desire to subscribe themselves your servants.

R. Shelton.
Adrian Drift.

"We all give our kind service to the Major [Foley.] Pray write, because my determination depends upon your letter. Adieu." (I. 47.)

MATTHEW PRIOR to LORD HARLEY.

[1719,] August 22[–Sept. 2]. Westminster.—"Where are you, my dear Lord, what are you doing, and when am I to hear from you, are three questions very material. Everybody here that you value is well, and you have my best wishes for your health, *ubicumque*. I have a great deal to say to you, and Lord Oxford says I may do so *viva voce* in few days here. *Nil affirmo nihilque nego* is Descartes' motto, and *nil admirari*, you know, was the device of another great man. Pray, when you have one moment to spare from conversation, books, gardens, dogs or horses, let me hear a word from you, and believe that in all the words of our language, which I can put together, I cannot sufficiently express how perfectly I am yours.

"Service to Major." (I. 117.)

ROBERT ARBUTHNOT to MATTHEW PRIOR.

1719, Sept. 28 [N.S.] Rouen.—"A violent fever I have had these 10 days by-past has hindred me from answering the honour of yours of the 27th August till now. I take this moment that I am out of my fit and something into my senses to tell you that in obedience to your commands I shall put your pictures into Mr. Hay's hands when he comes to this place, and we shall order them together the best way we can. I proposed sending them to Scotland, where I could have got them run; I can send them to Ireland where they'll pay little duties; I can send them to the Isle of Man, where they'll pay nothing, or to Holland where the duties are easy.

"As to your affair with Mr. [Richard ?] Cantillon there are some of his old *commis* and hangers-on that have undertaken to pay one quarter of his debts and that his creditors should cede all his effects to them; many have signed to this, but I have not for you. Young Cantillon has been one of those happy adventurers that have got prodigious fortunes from our new stocks. He is gone over to London with 50,000*l.* sterling in his pocket; the Duke of Chandos is his

great patron and can make him pay you. He slipt his neck out of the noose and baulked his uncle's creditors by suppressing every paper that proved a society betwixt his uncle and him (or his cousin).

"There was a Scotsman that had some proof by *lettres* of the society, and young Cantillon agreed with him to deposit the money in Mr. Gordon's hands in Paris, and that the Scotsman should pursue him at the Consul's as his uncle's associate or partner, and that Cantillon should by concert gain his process, and so he be paid; this was accordingly done.

"If you had a bill or *lettre missive* writ and signed by young Cantillon (Cantillon et Compie.) he would be obliged to pay all, but otherways you have nothing for it but what we can get of the old man's effects, which will be very little, and the young man's honour and conscience, which, I fear, is yet less; however, apply to my Lord Duke of Chandos.

"Now that I have been speaking of happy adventurers, you'll no doubt think that I am one of them, but really to my very great confusion I am not. All my neighbours and fellows that I would not have drunk a bottle with six months ago are now plumb men or demy-plumb at least. I never thought that a good meal could be made out of whippt sylabob, and so I droned on in my common road of trade till the cream was so swelled that I was afraid then to meddle, though I then even judged wrong, but now I think it too late to begin. I find there is an influence or a *je ne sais quoi* upon us Tories; we never happen to do a good thing for ourselves, and seldom any for our friends; the Whigs are those who have run away with the 'rost.' Jacob Tonson has got 40,000*l.* (sterling, I mean) and I hear is to drop 'Thuanus' that he was to reprint; riches will make people forget their trade as well as themselves

"I thank you heartily, dear Sir, for the promise you make me of your book, which I esteem as a very great present. I have been obliged to part with mine to a very fine woman, who begged it of me—for I could not be without one; I know not how to be revenged on you; I owe you a great many more favours. However, if ever I write a book, you shall have one, the subject will be the character of a Tory, and it shall be only my own life these thirty years by-past, a strange chaos, I assure you. I have as great a privilege as others that have writ their memoirs. I begin to think that the fever is taking me by what I am writing, and so shall end with my humble service to good Mr. Drift, and only beg you will continue to me the honour of your friendship."

Postscript.—"Several Irish that used to be projecting in your ante-chamber are now in gilded Berlins, better mounted than any was in your time. Your painter Lebell has not yet given me either pictures or books for you, though I never see him without scolding him heartily." (VII. 111.)

SIR JAMES MOUNTAGU to MATTHEW PRIOR.

1719, Oct. 27[–Nov. 7.] London.—"Dear Mat, give me leave to disturb you a little in your retirement by making a sorrowful request to you in honour to the memory of a departed friend, for I am confident you will permit me to give that appellation to the late Lord Halifax. It is in short to desire you to send me up a few lines which you would think proper to be engraven on a marble in Westminster Abbey. The tomb is to be plain by his own direction, the place will not allow it to be large, and the spectator must not be kept long on so cold a pavement; and yet I think we must take notice of his beginning at that school, and being Fellow of Trinity College among the rest of his advancements. And I believe the Dean [Atterbury], his schoolfellow, will not be averse to have anything you think proper to be said of him to be recorded in their annals. The workmen send us word the tomb is at a stand for want of the epitaph, which makes me afresh solicit you for a line or two on this subject.

"I have had lately a quarrel with Richardson, the painter, about the picture he was to draw for me of you; for after two years waiting for it, and telling me it was just finished, which made me prepare a place for it in a new room I had made, and stands now vacant for want of it, he shows other pictures, which he has finished, though begun after mine, and thinks I am so humble-minded as to be satisfied with being told that it is for two noble lords that those pictures are drawn. But when you come to town you will make up the difference if you can engage him not to let the latter performance come short of the former, for I want a picture that may vie with old Seneca.*" (VII. 114.)

MATTHEW PRIOR to the EARL OF OXFORD.

1719, Nov. 21[–Dec. 2].—"If I should be examined why I have not writ to you in four months, and how it happens that there is a chasm in our correspondence, what shall I say? Why the truth is the best: That having had at Wimpole the best books all the morning and the most desirable company all the afternoon, plenty as much as if I had been His Excellence at Paris, and freedom as if I had been Master Prior in Duke Street, I contracted my desires—as all true philosophers should do—and seldom let my thoughts range beyond the park. Sometimes, indeed, we thought of you at the grace-cup, particularly to my Lord and Lady Oxford, then the Auditor [Edward Harley] and the Hamadryades with a very good eye towards young Spenser.

"*Namque Hamadryades et carmina nobis Ipsa placent.*

Let the young man look for the passage if he pleases, that I may not be accused of corrupting your family, for I can safely swear that at Wimpole I always took poetry from him—that

* *I.e.*, the picture of Seneca dying in the bath by Luca Giordano.

I might read it myself—and turned the young lawyer to the prose side of the library: but to the purpose. We likewise remembered Harleys by the names of Nathaniel—though Sunday was three weeks our minister said his name was Bartholomew—then we proceed to Thomas, who having been once confined intends never to stand still again—Foleys, Lord, Auditor, Pro[thonotary], and Major, to the last of whom I wish as good an estate as the first has.

"As I just now spoke of poetry, Your Lordship will have heard that at St. John's some days since I was attacked with the old hydrophobia, but that is not all; the infection spread, Caesar got it, as in the height of the distemper himself has confessed to you, it presently ran through all our College—I send you a specimen of it herein enclosed—and Apollo knows where the distemper will end; my repeated wishes are that the infection of verse may be kept from your family as that of prose eloquence from the Finches.

"I know not from whence I should date my letter, for I left Wimpole yesterday and am but just entered into my own palace, so that really my person is at London and my thought at the place I love better, but in every place where I am, and in every thought I can employ, I assure myself with great satisfaction that you believe me your servant, and that I love even my Lord Harley better for being my Lord of Oxford's son." (I. 51.)

THE SAME to LORD HARLEY.

1719, Nov. 21[–Dec. 2]. Westminster.—"I write to you because I will always keep my word with you, but what to say to you in an epistolary style, God knows, since for four months together I had the opportunity of talking with you eight hours every day, and in two days' time find I have a hundred things yet untalked.

"I am just come to town, and have had a kind admittance into my own castle, where I shall keep quiet possession resolved not to stir out these ten days, for I leave a lie at my door in the mouth of a female servant, who may as well give it to all inquisitive persons as any male porter.

"I have found more business here than might reasonably be expected, some pictures to be removed, and some books added to the library, in which matter your *Delphini Editiones*, however easily disposed in your ocean of literature, in my small rivulet of knowledge give me no small confusion of thought and occasion of dubitancy. Now the Devil is in't if this is not handsomely expressed, and if these books are not rightly placed—N.B. it is not my fault, but Drift's.

"I would change this style, and use the best of which I am master to assure my Lady of my most profound respect, and most sensible gratitude, and my dear little Lady of my love and friendship. If I take the liberty in a letter writ to Your Lordship to desire my remembrance may be made agree-

able to Mr. Wanley and Mr. Garwood, it is, that possibly, when you receive this, they may have the honour of being with you, and as to yourself, I protest to you that I know no words sufficient to express my meaning when I would tell you how much I am your servant."

Postscript.—"I met Mr. Twibull at Buntingford, and was obliged to him, as I am always to those who belong to you. Drift will not make up my letter, except I say, in his name, that he is entirely your servant; adieu, my dear Lord." *Unsigned.* (I. 53.)

Matthew Prior to Lord Harley.

1719, Nov. 26[–Dec. 7].—"I thank you most heartily, my dear Lord, for your letter, and in return to it can only tell you that I am in my own house as far removed from all that is doing at London as if I were still at Wimpole; it is denied that I am in town to everybody that enquires, and it will be found by all *refiners* that I am gone from Cambridgeshire, which will make an agreeable confusion in chronology, and a fine distress for *Scriblerus*. I have only seen Brown, the surgeon, to whom I have made an *auricular confession*, and from him have received *extreme unction*, and applied it, which may soften the obduracy of my ear, and make it capable of receiving the impression of ten thousand lies which will be poured into it as soon as I shall take my seat at the Smyrna, or walk in the Court of Request as other gentlemen do.

"You may claim my company by the strongest ties imaginable, your friendship and my own inclination, but I hope you will lay your claim in here at London, the sooner the better. My great respects must always be given to my Lady, and my tenderest regards to the little one.

"N.B.—This blot was not made by me, but by Drift, and so I conclude."

Postscript.—"Ralpho [his horse] returns with the higgler glad enough, I suppose." (I. 55.)

J[ohn] Newcome to Matthew Prior.

1719, Nov. 27[–Dec. 8]. St. John's [College, Cambridge].—"It is my sincere opinion that nothing can be more honourable to your reputation, nor more serviceable to your interest in the whole University than the promoting our new Chapel, which is so much wanted. I was willing to keep so good a project warm, and to lay hold of the happy encouragement that is by your means afforded us. 'Tis pity the scheme should be too big to be executed, or too long delayed, whilst we have so many friends in being.

"I presume a new Chapel, much wider and longer, might be made magnificent and convenient in the first Court for about ten thousand pounds. But turning the river out of its course, pulling down a side or two of the third Court, etc.,

could not be done under thirty or forty thousand pounds, which seems a sum impracticable.

"We have some hopes that Mr. Gibbs will survey the ground and calculate the expense, but if the project cools, it dies abortive.

"And now, in obedience to your beloved commands I have thought of a person whose singular skill in the Roman tongue might recommend him to Caesar and Calphurnia; his good morals and great sincerity to Mr. Prior's friendship; his skill in arithmetic and geometry to any young gentleman's instruction; and his good nature and principles, as well as graceful person, to any honest gentleman's conversation and respect. 'Tis Mr. Parnham of our House, not two years Master of Arts, nor in orders."

Postscript.—"But oh! the postscript! beware of the postscript. My Lord of London is a great patron; Lord Oxford and Mr. Prior have the greatest interest. This is one of the Bishop's *mollia tempora.* Your humble servant was once (1708) heartily recommended to the Earl of Oxford by Dr. Gower, when he endeavoured to go to Rochester; he would now gladly be placed near the great town. Dr. Mangey is (I am persuaded) your friend and mine; he knows my case.' (VII. 115.)

Matthew Prior to Lord Harley.

1719, Nov. 28[–Dec. 9].—"Having wished you, my Lady and the Chara Infantula, all health and happiness, I may e'en close my letter, the rest being only to tell you I have received the venison, made a pie with the side—which is very good—and reserved the haunch for Monday *pour être bien mortifié.* I hope well from my Surgeon Brown, who begins to think that my *acroamatica* were impedited by cereal, congregated, cold particles; that is, in a more vulgar style that I hear much better since he has poured oil into my ears. I have not one word of news, God be thanked, and Ralpho knows as much of the town he came from, him [*sic*] as I do, whom he left in it. Adieu, my dear Lord."

Postscript.—"I am just going to take a piece of the pie, and drink your health *more solito.* Adrian and all mine are yours." *Unsigned.* (I. 56.)

The Earl of Chesterfield to Matthew Prior.

1719, Dec. 2[–13]. Bretby.—"I received yours of the 28th instant by the last post, which (like an ill tenant) puts me in mind of an old arrear; I mean the letter I received from you at Scarborough, and which I had then answered, but that those waters fly so very much to the head, that I was not in a condition to write to Tibullus. As for your vexations, a man of your sense and penetration cannot expect to be free from them, which makes me think that (in many respects) 'tis a happiness to be born with a callous mind,

for a thinking man will always find fresh fodder for the spleen, except he could divest himself from himself, which is impossible. *Naturam expellas, furca licet, usque recurrit.* If you are unfortunate yourself, do but think how many are much more so, and would be very glad to change conditions with Mr. Prior, were it only to have his acute parts and inexhaustible vein of poetry. To lay aside Plato and Tully only to admire the perfections of a young lady is a most gallant compliment ; and no doubt but she deserves it, at least she will be sure to think so, for I never yet knew any one of that sex that was wanting in a good opinion of herself, and next to beauty, and the pleasure it brings them, they love flattery. I have not heard from Alcid this half-year, and having now no amusement (for that correspondence was no more) I have given up myself entirely to the conversation of the dead, who, I think, are much better company than any of our living country esquires, noise and nonsense having always been my aversion. My health is rather better than worse, but my unfortunate want of hearing will never be better; and as I know there can be no equivalent for the loss of so very useful a sense, so it makes me very frequently wish myself out of a corrupt world." (VII. 116.)

MATTHEW PRIOR to LORD HARLEY.

1719, Dec. 5[–16]. Westminster.—" The enclosed vote and my correspondent in Parliamentary affairs, Mr. John Hollingshed, inform me that there is a vacancy at Bishops Castle; the warrant for a successor is issued out in great haste, and the design of its being so is—I presume—to secure the election to one of the Whig party. How far you will concern yourself in this affair, I am not to enquire, but I esteem it my duty always to write to you of whatever I think may concern you, considering especially that the Auditor (Harley) is not yet come to town.

" Auditor Foley did me the favour to see me to-day, and is, as usually, your servant.

" Morley and Shelton, two philosophers of very different geniuses and studies, dined yesterday with me, unhappily enough for me that treated them both with exceeding great humanity, for falling immediately in love with each other, neither of them took any further [notice] of my person or hospitality. Morley, finding that Shelton knew one Mr. Williamson, who had a son in the East Indies who might do some service to Morley's son, desired Shelton to present him to Williamson ; Shelton said he would with all his heart. Here I unhappily subjoined that this very Williamson was the person who had sent Lady Harriet the antelopes. ' Is it so ? ' says Morley to me, ' then pray, Sir, hold you your tongue, for I am as well acquainted with the antelopes as you or any man, and I will only take this honest gentleman (Mr. Shelton, dear Mr. Shelton) to bring me acquainted with this 'tother

honest gentleman, Mr. Williamson'; after this it was in vain for me to urge that I knew Mr. Williamson, that I had sat with him at the Custom House, seen him with the Earl of Oxford and Lord Harley; *Niente per Dio!* I am to have nothing to do in the friendship of this new triumvirate, and they are to see each other on Tuesday at a tavern in the City without me.

"For domestic news you have a pipe of Madeira in your cellar; for parochial, there were two bills put up last Sunday at St. Margaret's Church, one for Mr. London lying very weak, t'other for Mrs. Cornwallis troubled in mind; for national, the Bill of Peerage will—everybody says—be thrown out. Adieu, my Lord, when you give my great respect to what Margaret Tudor was*, pray add that I cannot form a wish more favourable to yourself and friends than that Margaret Harley may be what Harriet is." (I. 58.)

THE SAME to THE SAME.

1719, Dec. 15[–26]. Westminster.—"I did not answer yours of the 10th by the last post, because I had obeyed your commands but imperfectly. I have spoken to Bobus concerning the pictures, I shall see them in a day or two—if I will—I find there is no price set upon them, and that the matter is to be referred to me, of which I thought fit to advise you before I give any judgment, for I would not have you give too much for them, and on the other side I know you design an indulgence to the widow of a man whom you loved.

"Bob [Freind] has writ the prose inscription for the lamp, and we had a friendly squabble last night about the verse.† He says my last of the four is harsh, *i.e.*, he can't stuff so much excellent sense—as I told him—into two stanzas of sapphic; well, the last verse is made softer, the four are turned otherwise; Gibbs shall have the whole *debito tempore*, and all is well, to the great satisfaction of friend Dick, who sat by last night while we drank your health—if he pledged it is not a question—and said sneeringly he would not for fifty pounds have had an animosity arise between the greatest Latin scholar and the best poet in the whole world, both of them being his most particular friends.

"That philosopher has a nephew a Demi of Maudleine and a divine, who would rather pray, it seems, near Candish Square than anywhere else. Mr. Garwood will judge if what he desires be reasonable. Dick has told you himself he has laid your Madeira into your cellar; it is incomparably good; I have ordered the payment and will account upon it to Your Lordship.

* "What Margaret Tudor was, is Harriet Harley now." From Prior's 'Verses spoke to the Lady Henrietta-Cavendish Holles Harley in the Library St. John's College, Cambridge.'

† See *Matthew Prior. Dialogues of the Dead and other Works in Prose and Verse*, ed. A. R. Waller, M.A. (Camb. Univ. Press, 1907), p. 146.

"However careful I may seem of managing your purse, I have put you to the expense of a guinea; Southern, my old acquaintance, having asked my assistance in getting him off with some tickets for his *Spartan Dame*, I took one for you, though—as I told him—you were not in town, and he is to make his compliment to you for your favour when you come.

"As to my printed phiz. Vertue promises very fair; he has had a great deal of business; he would have it perfectly well executed; Adrian solicits him hard on the subject; Adrian sends you some copies of the verses enclosed, and uncircumcised, in which notion he perfectly agrees with Mr. Wanley, and adds that the whole is always more beautiful when when the letter stands in the middle of the frame; he longs for your future commands. I am with great truth and respect Lady Harriett's servant, and Peggy's *de tout mon cœur* Where is the Earl of Oxford? Adieu, my dear Lord."

Postscript.—"A hue and cry for John Morley, of Essex, who parted some time since from his friends at London, supposed to be a little whimsical. Dare I after this add my respects to the Duchess of Buckingham and let Her Grace know from what I knew on Sunday that Lord Normanby is well?" *Unsigned.* (I. 60.)

Matthew Prior to Lord Harley.

[1719,] Dec. 16[–27]. Wednesday.—"I return your papers, my dear Lord, *bona fide*, and my thanks for Camden and South *imo corde*. The latter I am very deep in, and very fond of; for what can better employ a man indisposed, and consequently out of humour, than a good deal of morality mixed with some ill nature? I hope my cold is going off; give my great respects always to my Lady, and claim that entire friendship from me to which you have so just a right; adieu." *Unsigned.* (I. 135.)

The Same to the Same.

1719, Dec. 19[–30]. "Vertue has brought me the proof of the portrait, which I and all that see it think to be mighty well done; he has really surpassed anything that I ever saw of his graving. I will send it by the higgler, and a future account of it in a post or two.

"I have seen the two pictures at Dr. Friend's, one is of a good hand, Flemish—I think one of the Van Halst [Van der Helst]—but it is only a portrait of a soldier to the waist, not quite a half-length; the other is a small piece of a Madonna and a *Christo Infantulo* [*sic*]—I believe it to be of Carlo Maratte [*sic*], but by no means his best manner. I hinted to you that the new made friendship between Shelton, Williamson and Morley was signed, and that I was left out of this triple alliance; it has proved so in effect, for last night,

I received a blind letter from Morley, and therein enclosed two warrants for does, one to Shelton and t'other to Williamson; so far all was well, but while I had the honour to distribute this venison, what was I to eat? mutton.

"I went to Dover Street last night upon a better account than to expostulate this grand affair with Morley. I had not the honour of seeing my Lady nor could be so unreasonable as to desire it, when I heard she was to go away at four this morning: but I received to-day a note from the delinquent Morley, in which he has got the omission as to the doe rectified; for which, however noted in jest, I most seriously thank Your Lordship and my Lady, who is, I hope, safe arrived at Wimpole, and will, I believe, esteem me always her faithful servant. I hope little Lady is well, her cousin Dupp[lin]s are so; Lord and Lady Kenoule [Kinnoul] are on their road from Scotland, to make some very short stay in Yorkshire before they come hither." *Unsigned.* (I. 62.)

The Same to the Same.

[1719–20.]—"Dick Shelton and I drink your health, he in pure wine, mine allayed with water and toast. I send your lamp; pray send me all the news, rip-raf, *Postboys*, *Flying Post*, Bangor or Bentley, etc. Service to Ladies great and little. I hope to see you to-morrow." *Unsigned.* (I. 129.)

The Same to the Same.

1719–20, Jan. 2[–13].—"Wishing you and my Lady and the little Margaret all the happiness of this and many new years, and thanking you for yours of the 31st December, I proceed to business. Christian has showed me your seal; it is very fine; if the angels are heraldic or heathen, Mr. Wanley and he [*sic*] must agree, and so she [*sic*] prayed me to tell you; Adrian engages to put the impressions up so as that they shall not be spoiled in the carriage.

"I am of your opinion as to the staring letters at the bottom of the print; I think that and other virtuoso or connoisseur affairs had better remain *in statu quo* till you come to London; when that will be is the question.

"The *Spartan*, or, as they call it here, the *Smarting*, *Dame* has just done Tom S[outhern']s business, and both he and the town are satisfied it has been acted, and are not troubled that it is laid aside.

"Your partiality to *Solomon* and *Alma* is very delightful to me, for that my Lord Harley loves the author is better than any other sort of merit.

"I can neither get Tonson nor Barber near me, they will neither send out my books, nor make up accounts. Dick Shelton is dining with me, I leave writing to drink to our good and dear friends at Wimpole. God for ever bless you, adieu." (I. 72.)

JONATHAN SWIFT to MATTHEW PRIOR.

1719–20, Jan. 25[–Feb. 5.] Dublin.—"I have been long pursued with one or two disorders, which, though not very painful, are so incommodious that they quite disconcert me, and among other effects make me so lazy and listless that I can hardly mind the affairs of my friends, much less my own.

"Since I begun this letter I have been so pursued with a giddy head that I could not finish it. I had yours of the 10th of last month with your verses on my sister Harriet enclosed. I have more obligations to her than you, and yet never gave her any verses, because it is not in my power to say as you *carmina possumus donare*. I begun some when I was in England, but it being not quite six years, I could never finish them since. No thanks to you for your good verses with such an advantage, when your Muse was your subject, and was present. Send her over here to St. Patrick's, and you shall see *me quoque vatem*. What do you tell me of a plenipotentiary? all that is a parenthesis. The Muses found you at St. John's, and there they meet you again. If you write no better verses than your enemies do prose, 'tis a pity but you were a plenipotentiary again. I wish your subscribers in this kingdom could as well answer your complaints as you have done theirs; but I find them much backwarder in acquitting themselves of their second payment than their first. But it is the disease of the country; first they shew vanity and good will, and secondly poverty. *Ut Gallorum subita sunt ingenia.* But my ill health is a good deal in fault; though all methods of advertisements and solicitations of friends have been employed. Two remedies I shall apply; one is a little more time, and t'other that if they will not pay their second subscription, their first shall be disposed of to others, who come at the tenth hour of the day. And in the meantime I will take care of the most convenient season to return you what we have already mustered up. As to myself, I have not yet health enough to go to England for more; I have been a month subject to a deafness, and it is with hearing as it is with riches; and a philosopher would have it though he despises it, only to have it in his power to make use of it when he pleases. I extremely long for Lord Oxford's picture, which he promised me a hundred times. His Lordship is poor, but has rich friends, and may give me his, if ever he performed one promise he made in his life. I beg you will no further solicit him than by reading this to him, and desire his answer: but Kneller or Dahl shall be the painters.

"You are to understand that the French pistole you sent me from Paris above six years ago to drink with your cousin is now safe in my cabinet with my other rarities; and that I never spoke to him in my life but once, in the castle of Dublin. I have upon second thoughts blotted out his name as you see, because he is a person in office, but very obnoxious, I suppose

chiefly for being related to you, and durst never drink a bottle of wine with me; and so that pistole and meeting are reserved to other junctures. I hear he is well and is a very honest gentleman.

"I had a letter t'other day from Mr. Auditor Harley upon a most important affair of recommending a singing man to my cathedral, which (if you see him) you will please to say, I will answer soon. I wish he had spent a line or two to tell me of the health of the family, it would have been more like a Nathaniel."

Postscript.—"You are bound to present my most humble service particularly to your two favorites, and my two brothers my Lord Harley and Lord Bathurst." (VII. 119.)

E[LIZABETH Countess of] SANDWICH to MATTHEW PRIOR.

[1719–20,] Feb. 28[–March 10.]—"What Solomon with all his wisdom and all the graces you have adorned him with could not do, the first sight of your sweet face performed in a moment; all sullenness vanished, I immediately changed places, put myself in the wrong and you in the right, and am impatient to thank you for the agreeable surprise you gave me to-day. I admire the painter, though I don't see his colours, the attitude, and the lively expression of the figure, which is lost in black and white*; but above all the near resemblance to the original, and I find by all this there remains more kindness in my heart for him than I was aware of. I had rather the world were mad than dull; good for anything I am sure it cannot be. I imagine the grand dance in the *Rehearsal* marching to Exchange Alley, law and divinity taking vast pains to cheat, and in the end be cheated also.

"I admire the present taste in pleasure. What can be a more suitable entertainment for the unbended hours of the great than the politeness, the wit, and dignity that reigns in masquerades? And yet for all these temptations I am perfectly easy in my solitude, and want only more *Almas* more *Solomons*, and more *Damons*, to make it a life of pleasure as well as happiness. Well, but now I reflect that after talking so much and so impertinently to you (the last man upon earth one should take that sort of freedom with), 'tis fit I should take my place in the foolish world, but wherever my fantastical stars shall throw me, I beg you to believe that I am, with a constant esteem, your, etc." (VII. 122.)

DE LA MANLEY to MATTHEW PRIOR.

1719-20, March 19[-30].—"I have deferred till your coming to town to return my most humble thanks for the honour of your letter, and for Lord Harley and Lady Harriett's bounty.

"I have received several marks of your favour, and had not been thus late in my thanks, if I durst have intruded myself before; but as I often begged my acknowledgments

* Prior had sent her an engraving by Vertue of his portrait by Richardson.

might be made by those persons that recommended my interest, so I hope there has been so much justice done me, that I do not stand in your esteem either as one insensible of benefits or ungrateful.

"Through Lord Chamberlain's wise management a play I had designed for the town is deferred till the next season. To make me some amends they have promised me to revive *Lucius* for my benefit; and gracious Mrs. Oldfield has agreed to speak that admirable epilogue you honoured me with, which must ever claim my most particular acknowledgments. But that lady, being something diffident of her performance, as much reason, however, as she can have for the contrary, enquired how she might be instructed by you, and said that rather than lose that advantage she would wait on you herself. Next Tuesday the play is to be rehearsed; I should be glad to know your sentiments, and be able to carry her your commands." (VII. 127.)

The Earl of Chesterfield to Matthew Prior.

1719-20, March 19[-30].—"I am to return you my thanks for the very acceptable present of your picture and poetry, and at the same time congratulate your felicity in being blessed with the friendship of the finest gentleman of the age; and no man of your understanding can, or ought to repent that he has been unfortunate once in his life, when it convinces him that he has really such a friend in the world as the Lord Harley. In prosperity we are apt to be blind, and very often hug the flatterer instead of the friend. But adversity quickly flings us back upon ourselves again, and sets everything in its true light, but, perhaps, with no more satisfaction than a looking-glass to a fine lady just after the small-pox. It's true that nothing could shake the friends of Cato; they continued faithful to him to the very last, in spite of adversity; and Cato himself expressed the sense he had of that happiness. But he was a Roman, and we are degenerated Britons. What we call a great man (I mean wealthy) here among us, is (generally speaking) a patron to pimps, buffoons, parasites and sharpers, while men of parts and learning may starve or beg their bread. Just like our great ladies, who take more care of their monkeys, lap-dogs, squirrels and parrots, than of their children or relations; which puts me in mind of Caesar, who, when he saw some great ladies at Rome hugging lap-dogs and monkeys in their arms, pleasantly asked a bystander if those ladies were past child-bearing. I once had the impudence to ask a fine lady the same question, and upon my word, Mat, she never forgave me. I have put your picture into a frame and placed it where it ought to be, next to my old friend Mr. Dryden's, who once sent me his picture with such a present as you now favour me with, and I put a value upon it, which upon my word I should not have done had it been a fulsome dedication to myself, and which some

of our senators are grown so fond of, that, if a poet out of modesty forbears to abuse and expose his patron with flattery, he immediately becomes his enemy; for no adulations can be too gross for these idols, who, puffed up with windy titles and glaring equipage, think themselves something more than the rest of mankind, when, indeed, they only make themselves less by it. How often have I seen that worthless ill-natured pigmy Buckingham strut, look big, and fancy himself a giant, because that poor poet Mr. Dryden (while he lived) was pleased to carry His Grace upon his shoulders, and yet common porters in the streets were much better paid! Another of these vain boasters (as they tell me) has put this motto upon his coach: *Nec minor invideo.* Is this done to show the world that he understands Latin, or to put us in mind that His Lordship's grandfather was no less than the common hangman of Ireland?

Postscript.—"My humble service to my old acquaintance Dick Sheldon, and pray let him know that, as soon as venison comes in season, my park at Wing will be at his serivce." (VII. 87.)

JONATHAN SWIFT to MATTHEW PRIOR.

1719[–20], March 24[–April 4]. Dublin.—"The person who delivers you this is the son of Sir Theobald Butler; the father is one of the most eminent lawyers among us, and hath an appeal before the House of Lords to be heard on the 6th of April. His adversary is one Lady Pendergras [*sic:* properly Prendergast], sister of Cadogan, and the greatest widow Blacacre now in Christendom. I desire the favour of you to speak to some lords of your acquaintance to attend the hearing, because it is of very great consequence to Sir Theobald's fortune, and he is very confident of the justice of his cause. He is one of my flock upon the Deanery, a gentleman universally beloved, and therefore I could not refuse him this good office." (VII. 89.)

MATTHEW PRIOR to LADY MARGARET-CAVENDISH HARLEY.

1720, March 29[-April 9]. Wimpole.—

"My noble, lovely, little Peggy
Let this my first epistle beg ye,
At dawn of morn and close of even
To lift your heart and hands to Heaven.
In double beauty say your prayer,
Our Father first, then *notre Père,*
And, dearest child, along the day,
In everything you do or say
Obey and please my Lord and Lady,
So God shall love, and angels aid ye.

If to these precepts you attend,
No second letter need I send:
And so I rest your constant friend." (I. 64.)

MATTHEW PRIOR to LORD HARLEY.

[1720,] June 4[-15]. Saturday. Down.—"I hope you got some victuals at Cheston to recompense the oddness of your entertainment at Down; but you were pleased with John's cookery, and that is the best service he can do his master. I am here, and continue to stay till your return out of Buckinghamshire; if you have any commands for Drift, who brings you this letter, he is ready to receive them. I am much in solitude and calculations, and in every state of life, my dearest Lord Harley, yours entirely."

Postscript.—"My very true respects to Lady Harriette and friendship to my little Lady are never to be forgotten." *Unsigned.* (I. 103.)

RICHARDSON PACK to MATTHEW PRIOR.

1720, June 9[-20]. St. James's Street.—"The gentleman who will deliver this letter to you hath a good deal of merit in his profession, which is painting, and I should be extremely pleased if he might be allowed to employ his skill in drawing a picture, which I shall never view without recalling to my mind a thousand agreeable entertainments I have received in reading the works of the best poet in our nation. Should I find that I have credit enough with you to obtain this favour, I shall have the boldness to ask another, by desiring you to communicate the same request from me to Mr. Congreve and Mr. Pope (whom I have not the honour personally to be acquainted with) that I may have an opportunity of placing their pictures where I shall their poems, in the best room in my house." (VII. 128.)

MATTHEW PRIOR to LORD HARLEY.

1720, June 16[-27]. Westminster.—"According to your order I direct to you at Bath, though according to the rules of correspondence I should not write till I had heard from you: I am less angry with you on that account than otherwise I should have been, since friend Morley assures me that Your Lordship and Lady Harriette are well: I hope—to use Sir Humphrey Polesworth's* style—you will shortly be repairing: our little Lady Peggy is well: and here my epistle might end in the Ciceronian manner, *valetis, valemus omnes, bene est*; for I have nothing to add but that I am going to dine with John [Duke] of Bucks at a sort of *convivium poeticum*, for Pope and Gay are the other two guests. I have Gay's works and Milton's as well for Lady Harriette as yourself, and in my consummate prudence I have judged it better to keep these books together with Gyles Jacob till I see you, than to send them rambling round the country after you. I invited the *virtuosi* t'other day, Gibbs, Wanley, Wooten [Wootton] and Christian†; the two first could not come,

* *Cf.* Portland MSS. (Hist. MSS. Comm.) *Harley Letters and Papers*, iii. 554.

† *Cf.* p. 477, *supra*, and Nichols' *Lit. Anecd.*, ii. 248.

and the two last could not be got away till midnight; dirty Dibben, of Dorsetshire, and the Archdeacon of Bath were of the company, as well to bless the meat as to drink great share of the claret; Morley assisted in tea. It was a conversation about five o'clock, a disputation towards seven, and a bear-garden about ten. We drank your healths over and over, as well in our civil as bacchanalian hours. My wishes for all happiness to you are constant and my friendship inviolable." *Unsigned.* (I. 65.)

THE SAME to THE SAME.

1720, June 18[-29]. Saturday morning.—"It is with great pleasure that I hear from Mr. Thomas of your health, and beginning your progress: *I pede fausto* and be happy in every thing: I am this moment going with friend Bingley to Chessun and Down. How do you like my preamble which I send you? I hope I may one day do for you what I have therein done for my patron Dorset: adieu, my dear Lord; I am ever and entire yours."

Postscript.—"Let Morley, John, of Halstead know that I forgive him at this distance, but hate him when he vexes me." *Unsigned.* (I. 67.)

THE SAME to THE SAME.

1720, July 2 [-13]. Westminster.—"Wherever this letter meets you, it brings you my best wishes for your health, and my astonishment that I have not heard from you. I would not have anybody, not even yourself know, how uneasy I have been and am upon your silence: pray write. I have been at Down, surveyed the estate, and done everything—as to taking a rent-roll, discoursing my tenant, &c.—that Morley calls wisdom. It is impossible to tell you how beautiful a situation Down is, and how fine the wood may be made; but for the house, as all the cross unmathematical devils upon earth first put it together, all the thought and contrivance of man cannot make a window to be looked out of, or a door to be shut, in case it were made otherwise habitable: so sooner or later I foresee *destruit domum;* but of this, as the divines say, at another opportunity.

"I hope you have seen Welbeck and other houses of your own so strong and lasting that you may not have these sort of considerations, and upon this account you would do well to write a word to me, for I really rejoice as much in what you possess as in what may be called particularly mine.

"News from hence you expect none; the town is a desert, and the world is crammed into Change Alley. All your friends desire most heartily to be remembered to you: Roffen. [Atterbury] and Bob [Freind] are referred from the Chancery to the Common Law, where they may spend as much money as will build a college before they are certain where it shall stand. Adieu, my dear Lord, I am ever yours."

Postscript.—"Squire Morley is in health, I hope, and by travel and experience knows a strong brick house from one built with rotten loam. Gyles or George Jacob brought me to-day two *exemplaires* of his two volumes of Poets Dramatic and Poets Epic, for which I have in your name, as you ordered, given him eight guineas: he dedicates one volume to John [Duke] of Bucks, but John has not been *Maecenatissimus* to him." *Unsigned.* (I. 73.)

MATTHEW PRIOR to LORD HARLEY.

1720, July [9-20]. Westminster.—"Not having heard from you, I thought I was very angry with you, and had writ a letter to tell you so, when I received yours from Aywood. That killed all my resentment, and convinced me that we most easily forgive where we love most truly. I hope this will find you at the Bath in health, with Lady Harriette in health likewise, for I have really no greater satisfaction in life than in desiring all happiness to you both. I hope my Lord of Oxford's gout will at least have produced one good effect in keeping him safe from any other distemper. John [Duke] of Bucks, whom I this day saw, has always the same heart and good breeding, but is *valde mutatus* as to his health, but this is to you only, for no man makes his compliment that even thinks of anything of this kind to him. As to Down, it is really fine; to make it habitable will be the question. *Deus providebit*, to which I shall add all human means by commensuration, hortification and edification, but nothing more than projection upon paper till I shall have seen you, which I very much desire to do.

"As to the pecuniary, I have five hundred which you may command at a minute's advice; I disposed of the rest, not having heard from you, but can retrieve it in a little time upon your ordering me so to do *Vive et vale*, I am ever and inviolably yours."

Postscript.—"Dick sends his respects." *Unsigned.* (I. 75.)

[W]ILLIAM] EDMUNDSON to MATTHEW PRIOR.

1720, July 15[-26]. [St. John's College, Cambridge.]—"Last week Mr. [John] James came down to take a view of the ground for the Theatre and King's College, and was desired to pay a visit to our Master, but his business would not allow it. I could wish a plan was drawn, and proper application made to those persons from whom we have expectances; for if the project drop, after so much has been said about it, it will be a very difficult matter to bring it to bear again.

"The Dean of the Arches [John Bettesworth] supped with me last Saturday; he has a great zeal for the College, and has promised to use his best endeavours with all his friends in our behalf, whenever we go about it. Dr. Needham, I think, is now in town; can you prevail with him to address

my Lord Orford, who is a St. John's man, and declines apace? Upon which account an immediate application seems necessary; and this is not his case alone; which makes it reasonable to be as expeditious as possible; but I [am] aware that this need not be said to Mr. Prior, who has the cause so much at heart, and no doubt has considered how it may best be advanced. I heartily wish us all success in our solicitations for the old House, whose interest I shall always be ambitious to promote.

Postscript.—"As to the sizar's place, if you are not at liberty to give it to Boughton, I shall put any other person into it that you shall be pleased to recommend, and take the very best care that I can both to improve his learning and secure his morals." (VII. 129.)

Matthew Prior to Lord Harley.

1720, July 21[-August 1]. Westminster.—"I last night received yours of the 17th from Aywood, and immediately obeyed your commands, having Sir Robert Child's note for five hundred pounds; so you may use it as you please; the remaining sum upon a little warning I shall be able to secure, for I need not say that it is with equal justice as pleasure that I desire to serve you in everything.

"I have not seen the face of Morley since my last to you. I am going to dine with the Caesarians. N.B. I always write in a morning. I am to be with Tom Harley, but in the old way of incertitude as to the fixed *quando*. All the world is paradox; Bingley exclaims against me for thinking of building anything at Down, and then talks of a saloon of thirty feet upon thirty, and an ante-chamber and bed-chamber.

"I long to see you, and for that reason have purchased a companion for Ralpho.

"You must give my great respects to Lady Harriette, and if she has any commands before her coming to town, I desire to be honoured with them: you must also continue to believe me for ever yours."

Postscript.—"Richard and Adrian are honoured with your remembrance; we drink and wish your health. Adieu.

"I am heartily glad to hear Lord Oxford is better." *Unsigned.* (I. 68.)

The Same to The Same.

1720, July 29[-August 9]. Westminster.—"I began to feel a kind of desire to be angry with you for not writing when yours of the 27th quite appeased me, and I think I love you better than ever I did. Lady Harriette's being well has given me so perfect satisfaction on both your accounts, that I intend to issue out a general pardon to all who have injured me except Morley, whose delightful face I have not seen since the first morning he came to town.

"My Lord Oxford will not be offended at me, if I wish heartily that his indisposition may terminate in a formed gout, and that I had rather have him sometimes in pain than always lame.

"Lord Bathurst's proceedings with the prose man is admirable; 'tis a picture. His Lordship having chid me that I never saw him, and desiring me to ride over to Riskings, I did so on Monday, and when I came thither I found he was gone to Cirencester the Friday before: good again. I think this may be added to the piece. The remnant shall be ready; you have only to order it.

"And now I come to the best part of my letter, which is, that I paid my little Lady a visit to-day; she is in admirable health and humour, and desires her duty may be remembered to Papa and Mamma. Mrs. Walton charges me with her compliments to you both, and if I add my own, you will believe me, more than words can say, yours."

Postscript.—"N.B. Not one word of Down. 'Tis all reserved *in petto* till I see you." *Unsigned.* (I. 70.)

C[aleb] Parnham to Matthew Prior.

1720, August 5[-16]. Benington.—"Be pleased to accept a grateful acknowledgment of your favours, with which you distinguished me at a time when I was a perfect stranger, and for that reason could entertain no hopes of them.

"Your interest and kind offices have placed me in the midst of those pleasures with which Benington abounds, and everything confirms (what you formerly said in one of your letters to Cambridge) that this family, whoever knows, must love. My business here is to teach the young gentleman mathematics, and I make no doubt of giving such an account of him as will turn to my credit."

Postscript.—"Mr. Newcome is in good health and presents his service." (VII. 130.)

Matthew Prior to Lord Harley.

[1720,] August 9 [-20]. Ryskings.—"I am at Riskings with Batty; we drink to your health, moderation: I have no news from London but that we expect the Earl of Oxford here on Wednesday, and from hence he will then convey me to that sink of iniquity and sea coal; from whence—if my own wishes were to be obtained—I would be separated for ever. I hope you are well and pleased: I need not say that wherever I am, I will always love and serve you."

Postscript.—"Kind service to Major." (I. 116.)

The Same to The Same.

[1720, August ?] Saturday, 11 o'clock.—"Pray, my, Lord send me a parcel of news Anglican and Gallican of all sorts and the five volumes of the *Bibliothèque Angloise*—I think you

call it—for which I will be accountable. If you come this way before two, I shall be at home ; if not, I will wait on you at dinner, to receive Lady Harriette's commands, upon a supposition that your resolution of going on Monday holds, though I hope it does not.''

Postscript.—'' My six volumes of Léonard's *Collection of Treaties.* A water colour picture. Item, a rug coat due a year since. Item, six sets of the drawings of the lamp.'' *Unsigned.* (I. 154.)

The Same to The Same.

[1720, Sept. ?] Saturday morning.—'' I have invited the virtuosi Gibbes, Wooton, Bridgeman, and Dayl [Dahl] to sit an hour with me this evening. I am glad always to hear from you, but particularly when I was just sending John to desire you to crown our feast with your presence. I intended to go no further to-day than to my Duchess of Shrewsbury ; if you come our way, I shall be at home till one, if not, I hope to see you at seven in Duke Street.''

Postscript.—'' If you have any *nouvelles*—you know this is the day—pray read this letter in the enclosed journal.'' *Unsigned.* (I. 173.)

The Same to The Same.

1720, Sept. 2[-13]. Cue Green, near Richmond.—'' You see, my dear Lord, by the place whence I date my letter, that I am with my nearest relation, very kindly received, and I may add, every meal remembering with great respect Lady Harriette, Your Lordship and little Peggy. I have been very graciously received this morning by la Principessa; before I came from London I purchased the little heads I showed you, I presume to your satisfaction, and at least not to your ruin, for Madam Maintenon's head is purchased for less than five guineas. N.B. It may be an original but could be her maiden head.

'' I am going from hence to visit Duke Dorset, and thence I shall be able to take my measures as to Mr. Cossens' meeting me at Down, and returning with me to Wimpole, for I find already a great hankering that way.

'' I thank you for my water-colour and *Bibliothèque Angloise,* a *non est inventus* is, I suppose, put upon my *Collection of Treaties : sic visum est superis.* Pray write to me, and believe that I wish nothing more passionately than the welfare, honour and happiness of Lord Harley and his family, and that I am ever yours.'' (I. 77.)

The Same to The Same.

1720, Sept. 10[-21]. Westminster.—'' I have Your Lordship's of the 7th, for which and a thousand other things I return you thanks. I am in with Gibbs and the *virtuosi,*

one of whom is to give me a meeting in few days at Down, for plan, measure, &c., and in few days from thence I hope to send over for Mr. Cossens, *ad opus inceptum et continuandum.*

"Yesterday the world was in a panic fear; the South Sea ebbed hourly by fifty and sixty down to five hundred; but the apprehension vanished as insensibly as it came on; the stock rose again to above six hundred; the Alley rung with huzzas and things go on *sicut olim.*

"Friend Dick is swimming in another gulf, that of Carolina. Adrian and all here are very zealously and truly yours. I need not add that I am most sincerely Lady Harriett's and, my Lord, your most obedient servant.

"Service to dear friend and honoured Peggy." (I. 80.)

MATTHEW PRIOR to LORD HARLEY.

1720, Sept. 13[-24]. Westminster.—"Yesterday John Morley, Esquire, entered my palace, and immediately made his exit; the Lord knows where he has been buying and selling; with him I shall settle one part of our pecuniary affair, and for the other part Your Lordship and myself will do it, when you come to town.

"I shall want five hundred, for I must pay that sum the 14th of October: if you can give order for it, I shall leave my direction with Drift as to the disposal of it here, that the thoughts of the mammon of unrighteousness may not discompose my mind at Wimpole. *A propos* to my coming I shall have a *virtuoso grand jardinier* to meet me at Down in four or five days; the precise time himself does not know; and I must wait it; from thence I shall be able to take just measures for Mr. Cossens' coming over to me, and my returning to Wimpole with him, for which I very much long.

"Gibbs has built me a house, I will bring it over with me; as soon as I shall have finished this letter, I am to go to sup with Dhayl [Dahl], Wooten [Wootton] and Gibbs above-mentioned, to talk of buildings, pictures and—may be, towards the close—of politics or religion; but the chief design of our meeting is to drink to my Lord Harley's health, whose servant I am always. My great respects to Lady Harriette, and friendship to her Peggiety [*sic*] are never to be omitted.

"If you have any commands that you would have me execute before I leave London, send them to me by next post. Adrian is your servant, I should not otherwise be his friend. Adieu, my dear Lord, adieu.

"Lewis is in town; he says, he shall hardly be able to wait on you this season at Wimpole." *Unsigned.* (I. 82.)

THE SAME to THE SAME.

1720, Sept. 15[-26]. Westminster.—"I always esteemed you a real friend, but had never so much reason as now to praise you for a constant correspondent: I have yours of the 12th, for which I return you—as for all—my thanks.

"I long to be at Cambridge—that is right—or within six miles of it—that is true—: a man may love his mother, but had rather live with his friend.

"After this preamble, I cannot answer to the kindness of your question, 'when will you come?' till towards the latter end of next week; I shall then be able to quit this abominable town, my *operator hortorum et sylvarum* will then meet me at Down, and Mr. Cossens will set us right, and bring me to you. I will bring all you command with me; we are all yours.

"South Sea falls, notwithstanding which the merchants are insolent and the Ministry despicable in the city.

"Gibbs and my *operator* above-mentioned sup with me, and I shall wish all health, and happiness to dear Lord Harley, Lady Harriette and my lovely Peggy, within half an hour after I tell them that I am their servant.

"Surly Dick and supple Adrian are yours. Pray write to me; adieu. Morley, I presume, tells you he is in town, and that is as perfect an account as I can give you of him." *Unsigned.* (I. 84.)

THE SAME to THE SAME.

1720, Sept. 17[-28]. Westminster.—"I write to you, my dear Lord, that I may keep touch with the most exact correspondent in England: pray mind that you have that character ascertained under my hand.

"I have so far settled matters with my *virtuosi* that I shall see Down, and bring Gibbs over with me to Wimpole within eight days from this in which I write. We shall fix it so far that the next post I shall beg your calasch to meet us at Buntingford, and tell the very hour when I thank you as to the pecuniaries, which render my coming more certain and easy.

"Sturbridge fair, my God!

O quis me gelidis sub montibus Æmi Sistat! &c.

"I send you a copy of verses written by young Moore, the son of Arthur. I am with true respect to Lady Harriette, and friendship to yourself, ever and ever yours. Adieu.

"I need not trouble Mr. Cossens till I shall have spoken with him at Wimpole." (I. 86.)

THE SAME to THE SAME.

1720, Sept. 22[-Oct. 3]. 2, afternoon. Westminster.—"I did not write to you by last post, my dear Lord, for everything was in such confusion, as to the pecuniaries in Change Alley, and South Sea, that I did not know what to say; but the confusion still remains, and I must be longer silent—I find—if I stay till I know what to write on that subject: all is floating, all falling, the directors are curst, the top adventurers broke, four goldsmiths walked off, Walpool

and Townsend sent for, that they may settle matters; *sed adhuc sine successu:* and every man with a face as long as a Godolphin's; *vogue la galère;* I must fare like the rest.

"Pask, you will have known, is dead: I have written a letter to the Vice-Chancellor, which he will, I presume, communicate to the University.

"I leave all this chaos and complaint to-morrow morning, and calesch it with Gibbs—taking Down in our way—so that we will be at Buntingford on Monday morning. You will please therefore to send your calesch to Buntingford on Sunday evening, that on Monday morning we may find it there, discharge our London equipage, and come over to Wimpole, where I long to be, whatever becomes of South Sea stock or Cambridge politics.

"I hope the Cardinal is still with you and will be so some time after Monday.

"Mist's simple story has raised a thousand impertinent questions as to the truth of it.

"As to the *unmoored* verses, I sent you the best I had. Life, pleasure and satisfaction to Lord Harley, Lady Harriette, little Peggy; grace to Stratford; amen; adieu, till Monday.

"Dick and Adrian salute you, we are going to drink to all your healths, for, *nota bene*, I always write my letters before dinner." *Unsigned.* (I. 79.)

Matthew Prior to Lord Harley.

[1720,] Sept. 22[-Oct. 3].—"When a man writes at noon, 'tis ten to one but he is forced to contradict himself at night; this is, therefore, to desire that Your Lordship would send your calesche to Buntingford on Saturday night, so as to bring us over on Sunday, and let us stick our knives in your beef at dinner, for we shall come not to *pray hare* [*sic*] but to *dine hare* [*sic*]. Gibbs' affairs are the reason of this change in our great designs, and I am heartily glad that I shall have an opportunity one day sooner of telling you that I am every day and all the day yours." *Unsigned.* (I. 147.)

The Same to The Same.

1720, [Sept. 27-Oct. 8]. Tuesday morning. [Down].—"We could come the last night no further than Hockerell, so lay at my Dame Games': just arrived at Down, eight in the morning, very well, and going to breakfast, regret the leaving Wimpole. This is the best account I can give Your Lordship of myself since I left you; sincerest duty and respect to Lady Harriette, *mille compliments à la petite ange.*"

Postscript.—"Mr. Bridgeman adds his duty and respects to you and Wimpole. We have talked of nothing but canals, parades and vistas from Wimpole to this place." *Unsigned.* (I. 146.)

THE SAME to THE SAME.

1720, Oct. 15 [-26]. Saturday. Cambridge.—"I thank you for sending my letter, for remembering me, for everything. As to my affair here, the divisions multiply so fast, that I think all will end in the Whig interest prevailing. I will tell you the whole matter on Monday, which I long mightily for; the Vice-Chancellor after many *estocades* against me has produced a letter from the Chancellor that the University choosing me at this time will do a thing that will be a reflection and prejudice to them: I have taken this occasion to get off, for that I never intend to do anything but what should be for their interest, but *que faire?* I think there is an end of my matter, and shall drink on Monday night to the tranquillity of Cambridge and the honour of Oxford: my only satisfaction is that these wise and honourable men have not been able to involve you in this labyrinth, from which I step out with great ease into the plainer paths about Wimpole and Down. A pike you shall have on Monday, and good roast beef, but for wine there is not one drop in the town but what is sour or port; upon this you may use your own discretion, *praemonitus, praemunitus.* To-morrow, you know, is *pray here,* on Monday *dine here.* Service to dear school-fellow, respect and love where due, an eternal friendship to Lord Harley: adieu."

Postscript.—"Saturday, noon. We this moment sit to table and have already drank your health." *Unsigned.* (I. 88.)

THE SAME to the EARL OF OXFORD.

[1720.]—"I have more than ten times set pen to paper to write to the Earl of Oxford and have as often desisted; the reason was, I presume, that I found I had nothing to say to him; I still heard from Lord Harley that you were well, and from the Auditor that you did not intend to trouble us, having a strange taste of liking your own paternal seat, fine woods, good books and what company you please better than Westminster, Change Alley, mistaken politics, and the conversation of pickpockets and stockjobbers. I tell you plainly for your comfort, you are not likely to be disturbed in your solitude. . . . . we shall sooner send your Ma[gna] Charta men down to their res[pective] homes, than have any pressing occasion for them here; so pray enjoy [your] *otium cum dignitate,* as you have had enough of the *negocium non sine periculo:* while others build their fortunes on that basis whereon a scaffold was to be erected for the Earl of Oxford.

"All this while I have a great hankering towards the cider country, and hope to wait on my friend Tom Harley this summer to taste of the Scudamorian grape, as Philips called it; but I have absolutely given up my free will to Lord Harley, and am to take my progresses with him, like Horace's friend.

"*Nil habeo quod agam, et non sum piger, usque sequar te.*

"The truth on't is I love him mightily, but that is no merit on my side, for everybody does, that knows him; nay, 'tis rather the effect of vanity, for everybody sees he loves me. Among all the favours which you could do me, if you were again Treasurer, and in power, I should thank you [more] sincerely for none, than your [letting] him know my sentiments [on] [tha]t subject, for being perfectly [sensi]ble of his friendship, I am less able to speak of it properly to himself.

"For public strokes I refer you to Messieurs Buckley and Mist; I am just now told that the Duc de la Force is coming over to congratulate the King and Prince upon the late reconciliation, and that Mr. Law will send his son on this occasion to [see] England."

"Dear Dick is as ever yours, and is endeavouring to get you some Madeira; he and my friend Adrian join in their good wishes for your health; this is all the service we can do you.

"I must give my great respects to Lady Oxford, and to every feminine Harley in Herefordshire, as likewise my kind service and friendship." (I. 121.)

Matthew Prior to Lord Harley.

1720[-1], Dec. 29 [-Jan. 9]. Westminster.—"The continuation of my journal stands thus; we have laid out squares, rounds and diagonals, and planted quincunxes at Down. *Chacun a sa marotte*, and that farm will turn my brain. We found some remnants of old claret there. Whose health did we drink? All at or belonging to Wimpole. We are just come to London, and I find myself and all my family, that is, four people and a dog, well: I likewise find a collar of brawn from Wimpole, though I had my share of two of [its] predecessors while I was there; *quid retribuam pro tot tantisque beneficiis?* Why, nothing but my thanks, my best wishes to Lady Harriette, and her beloved daughter, and the repetition of being ever the friend and servant to the master of the family; adieu.

"My kind love to Mr. Thomas." *Unsigned.* (I. 92.)

The Same to The Same.

[1720-1,] New Year's Eve, Westminster.—"Health, happiness and friendship to you and Lady Harriette—*ma chère ange* not excepted—this year, henceforth, and for ever; the like may be said to every man under your roof, or any way appertaining to you. I have by way of epistle, not being able to perform personal visits, given Lady Harriette's compliments to the Duchess of Buckingham and Lady Morpeth; I have sent by Drift your little commission to Aschough. Drift had like to fight with him for a receipt of the packet, without which he scrupled giving it to him, but Ascough

promises by next Tuesday to obey the content of your commands, so that war is amicably composed, and I hope you will have your orders obeyed, and your Almanac new bound.

"Pray read these London Journals which I send you, and of which everybody here is so fond as to imagine very great men to have a share in composing them. Comical! my dear Lord; the nation is robbed, and the quarrel now is about the spoil. I shall continue to send you these Journals, for Drift assures me they are very well writ; he will have me say too that he wishes Your Lordship and Lady Harriette a good new year, and I take his orders in this affair, because I think they come from the bottom of his heart. Dick Shelton accosted me this morning; when I asked him why [he] had not writ oftener to us, he replied that writing was nonsense, and before a good deal of company he told me that I looked very well, and that my boil had done me good. I did but touch upon South Sea, and he asked me what I could expect better from a conjunction of scoundrels at Court with sharpers in the City; so, you see, whatever may change, Dick is *semper idem*.

"Adieu, my dear Lord, pray write to me and believe that the pleasure of my life is to be yours ever." *Unsigned.* (I. 123.)

THE SAME to THE SAME.

1720-1, Jan. 3[-14]. Westminster.—"You will easily believe, my dear Lord, that I received your letter as a very grateful new year's gift, since it told me you are so near coming to London; till I see you, therefore, I will not trouble you with any particulars from this great Bedlam, but reserve all till I shall have the honour of your visit, and you may be sure to find me at home *propter rationes medicinales*. Tudway, paragraph by paragraph, is, I own, a good scene; shawms and hautboys with dulcimers and Jews' trumps must need make an agreeable melody, and if tuned to the notes I hear daily of 'damn the directors, hang up Aisleby, break Janson and Lambert on the wheel—as in their countries they would have been served'—&c., would make an excellent grand chorus. I have some pamphlets, almanacs, &c., which I don't send, since you will receive them here.

"My duty to my excellent Lady and love to li+tle Lady are never to be omitted, nor ever can be sufficiently expressed; to yourself I have only to say that I am ever and ever yours.

"Service to Mr. Thomas, if alive after the doctorial battle. Dick dines with me and Adrian; we are all three drinking your health, and wishing this and many happy years to all the Wimpole family. Francis [Bishop] of Chester is well, and likes the epitaph of *his grave was his ground*." *Unsigned.* (I. 95.)

GILES JACOB to MATTHEW PRIOR.

1720[-1], Jan. 6[-17]. Golden Wheatsheaf in the Old Baily.—"I herewith send you a collection of Poems, written by

the author of the *Lives of the Poets*. I have presumed to dedicate them to you, Sir, as the least I could do in return for those great favours I have received from your hands, and which I shall always acknowledge with the greatest gratitude. I hope my presumption is not inexcusable. Where Mr. Prior is concerned I am sure of an indulgent usage; and I desire the few errors of the press, particularly a literal one in the Dedication, may not be imputed to my negligence, but that of the printer, as it ought.

"After an industrious attempt to write the lives of you gentlemen who excel in the noblest productions of the sublimest art, it will be the less admired that I should also attempt to imitate you in spirit; though I am sufficiently sensible of my own deficiencies, and that there is no more comparison between my performances and yours than there is between a weeping spring and a rapid stream; but considering I (with some modesty) inform the world they are my last of this kind (in my *Farewell to Poetry*), I hope the readers will be the less severe in their remarks and observations. I heartily wish you a speedy recovery from your present illness, and that you may have many happy new years of health and prosperity."

Postscript.—"My poem entitled *Human Happiness* is the performance I have mentioned I had by me, in manuscript, in my *Lives of the Poets*. I have chose to be my own messenger to enquire of your health; and I shall do myself the honour to wait upon you at a proper time." (VII. 117.)

JOHN DENNIS to MATTHEW PRIOR.

1720-1, Jan. 10[-21].—"I had the honour sometime since to send you some proposals for the printing a book of Letters by subscription, but having forgot whether I sent the two first sheets of the book or not, I send them now.

"I have likewise sent you a translation of the Seventh Satire of the Second Book of Horace. My friend who translated it desires to have your opinion of it, whom he esteems one of the best judges in England of these matters. My friend's translation caused me to enter into the nature of the Horatian satire, and to consider the opinions of the commentators concerning the three ancient remaining satirists, who in my humble opinion have been all in the wrong, as has likewise Mr.——

"So soon as these thoughts are in writing, I should be inclined to send them to you, if I thought it would be agreeable. I hope to wait on you in a few days, and then I shall be able to come to a resolution." (VII. 132.)

The EARL OF CHESTERFIELD to MATTHEW PRIOR.

1720[-1], Jan. 25 [-Feb. 5].—"I have received the favour of yours of the 14th instant, and I was very glad to hear

before it came to my hands, that Mr. Prior (for I must ever wish him well) had declined coming into the Senate at this time of day, when an honest man is so far from being able to serve his country, that I cannot but fancy he must be something out of countenance to find himself in the company of so many knaves. If my memory fails me not, there is in Æsop, the fable of a Fowler who taking poor Columbo [*sic*] in his nets among the crows, put him to death, with this severe reprimand before execution: 'what had you to do among them?' If Fabritius, Paulus Æmilius, Mutius Scaevola, and the rest of the old Romans were now in being, can you think they would care to have places in the Senate? No, they would humbly beg leave of the House to return to their Sabine farms and the ploughtail again. Such men are not fit to be employed in this age, and for the same reason that Fabritius gave to Pyrrhus why he would not be his Prime Minister. 'Sir,' said he, 'this can never be for your service, or advantage, for they who now honour and admire you, when they have had the experience of me, will rather choose to be governed by me than you.' Should true patriots be let into the Senate in the room of those who are not so, what a strange change and *fracas* might not that make? I have sometimes laughed (for who can be always a Heraclitus?) to see young men, and some of them of good parts and principles, so mighty fond of being Senators, that they had rather be thought knaves and fools themselves, than not sit among those that really are so. It puts me in mind of some of our vain modern coquettes, who cannot forbear running into any new fashion, though it does not become them half so well as the old.

"As for the MS. you have favoured me with, I think it entertaining enough, but I cannot say it has that spirit and vivacity, which shine through Mr. Prior's other writings, particularly his curious *Maid*, which was lately sent me as yours, and from a friend of yours. When faction is prevalent, and prejudice runs high, I cannot but think it an ill time for an honest poet to write, or print what he writes, since he is sure to suffer by the malice and partiality of faction and parties; which makes me glad to hear that you are now amusing yourself in making fish-ponds, and cutting vistas through your woods, which I take to be a much better employment than burning a man's fingers when he may keep them out of the fire." (VII. 118.)

Matthew Prior to Lord Harley.

1720-1, Jan. 28[-Feb. 8]. Saturday evening.—"I this moment receive the enclosed [missing] which comes from the Lords and must needs be very agreeable to the Commons; this is but the *Primitiae iniquitatis*. I hope to see you on Monday, and am every day yours.

"Thank you for nouvelles, &c. Goodnight." *Unsigned.* (I. 96.)

Dr. Thomas Tudway to Matthew Prior.

1720-1. Jan. 29[-Feb. 9]. [Cambridge.]—"My last to my Lord [Oxford] related to Bently's performance, in which in one particular, I was misled, viz., that Bently had mistaken his adversary, and fallen foul on Dr. Colebatch; whereas, that varlet did—not mistake him, but—knowingly and wittingly take an opportunity to fall foul on the Doctor with the most scurrilous and abusive language Bently himself, that master of ribaldry, could invent. The Doctor has vindicated himself in a short paragraph or two, in the *Postboy* of Thursday last, which, I make no question, you have seen, and has taken therein an occasion to declare Dr. [Conyers] Middleton is the worthy author of that excellent performance. This, he says, Bently knew full well, but was not willing the world should think Dr. Middleton able to write a piece of so much learning, and thereupon casts a slight upon him and calls him the musical Conyers. The world will soon see him exposed and set off in colours befitting him; in the meantime, he is like to have the mortification to have his book censured here, by the Vice-Chancellor and Heads, as an infamous libel. This, the Vice-Chancellor told me himself, was his design, as soon as he could get a competent number of the Heads together. We have lost our friend and old acquaintance Dr. Otway, who died on Friday last, after a sickness of three or four days. He fell into a kind of torpor and lethargic fit, caused by a voracious stomach and indulging himself in eating. We took forty or fifty ounces of blood from him, but it was so thick, and without serum, that it was perfectly stagnated. This loss of our friend suspends all, as un-*à-propos* and *contretemps* at present."

Postscript.—"Be pleased to make my most dutiful respects and service acceptable to my good Lord and Lady and little incomparable Lady." (VII. 133.)

Charles Gildon to Matthew Prior.

1720[-1], Feb. 15[-26]. Bull Head Court, Jewin Street, Aldersgate Street.—"It is now a week since I presumed to trouble you with a manuscript tragedy and a letter to beg your mediation and recommendation of it to my Lord Harley and his Lady, that is, provided it met with your own approbation, which I flatter myself it would do, because it moves the passions in so eminent a degree, which is the chief excellence in that way of writing, and so allowed to be by all ages till the present, when we have had a sort of grammatical critics arise who have put the diction or language upon a foot with it, nay, who have made the diction, though scarce taken notice of by Aristotle, the chief mark and characteristic of a good or bad tragedy, and such a sort of diction, which, though correct enough in itself, is yet by its uniformity scarce tolerable in this way of writing, if we may give any credit to Horace, Boileau, and even to the nature of things; for tragedy, consisting of the

representation of different passions, must of necessity vary its style according to the nature of each passion which it brings on the stage. But this is a subject of too large an extent for a letter, and considering the knowledge and judgment of the person I write to, wholly superfluous. I must confess that there may be some bold metaphors of Mr. Lee's which I have retained in this alteration, and which I choose rather to do than to deviate too far from the genius and spirit of my author, but I hope they are not many nor so great but that the excellence of the passions may sufficiently atone for them. It was by this quality alone that Otway fixed his immortal reputation with all but the verbal critics, and I think I may say that after Otway the tragedy under our consideration claims the next place in that particular; but I forget myself. If this play wants an apology to such a judge as Mr. Pryor, I am sure it deserves none. If it does not, it will sufficiently recommend itself. I therefore only once more beg, that, if you approve on't, you would recommend it to my Lord and Lady Harley's perusal and patronage."

Postscript.—"I would have waited on you myself, but that I have been long confined to my chamber by blindness and lameness and a very infirm health." (VII. 121.)

The Earl of Chesterfield to Matthew Prior.

1720[-1], March 1[-12].—"Your entertaining an unfortunate deaf man in his retirement with elegant poetry is really very obliging; but I am so ill a judge, that I doubt 'tis thrown away upon me, and your favours of this kind no better placed, than if you had presented a drawing-room fop with an accurate edition of Virgil or Horace, when the poor creature hardly knows his Horn-book. I look upon the poem you have now sent me to be a brilliant of the finest and the clearest water (as the jewellers call it); and I do believe that the poets of the next age will be as fond of imitating Mr. Prior, as he can be of rivalling Spenser. Most poets only shine in the dark, but you justly claim that privilege while living, nor has the world denied it you. The young lady in your poem is very nicely complimented, if not flattered, and indeed it ought to be so, for they are charming creatures to look at, and so is a serpent with fine scales upon its back, till it hisses and stings a man. I am now (as I may tell a friend) under the displeasure of a rattle-snake, upon the account of some poetry she lately had from me, and of which I here enclosed send you a true copy. My crying sin is what I have put in the margin of the poem: hum a gigg: the meaning of which is this. A certain duke when he courted this lady two or three years ago, told her among other fine compliments, that he would hum her gigg, which was taken so heinously that fool and Garter were both rejected, and my playing the fool with a fool, is now taken as ill. All I have to say for this is the old Italian sentence:—

Fortuna me tormentò, spero [*sic*] me contentò.

"I am concerned to hear of your losses in that national gulf of destruction, the South Sea; but had it been worse, I look upon your good fortune in the world to exceed your bad, since it is not every poet's talent to be honest and faithful to his patron. And how few poets in the world have ever found an Oxford, or a Harley, for a patron? I hope you and your learned patron will live to see white days, and should I live to see a time come when I may have interest enough at Court to serve Mr. Prior, I shall then say with the poet :—

'Quod optanti Divum promittere nemo
Auderet, volvenda dies, en attulit ultro.'"

Enclosing verses *To a lady in the country.* (VII. 124.)

MATTHEW PRIOR to LORD HARLEY.

1720-1, March 16[-27]. Westminster.—"You may take it for granted that it is always with great pleasure that I hear from Wimpole when the master of it is there, and with greater that Inglis assures me that in a week I shall be released from all fundamental contracts here, and free to change situation of place, and enrol myself of the equestrian order. I am glad Bridgeman has begun so well, he says he will make it the finest and noblest thing in England. The garden side I find he has a mind to be at; he does not open yet, but I think it is rather enlarging than much altering.

"The enclosed [missing] contains last night's work in the House of Commons; the matter was stoutly battled, but numbers overcame. Hanmer spoke angelically, and Hutchinson reflectingly.

"This the right copy of John [Duke] of Bucks' *Epitome,* at least as I had it from Pope; various copies run about, and everybody comments on it *pro libitu;* Franco objects against it being put up.

"Bob's [Freind] cause is put off till Saturday sennight; it is warmly solicited on both sides.

"I had written thus far when I issued forth, and had the honour to dine with Lady Harriette. Her Ladyship and dear Peggy are very well.

"Hence I proceeded to Mr. Wooten's where I met him, Mr. Gibbs and Mr. Bridgeman; these three, and they expect Sir James [Thornhill] to be of the same opinion and design, set out on Saturday morning towards Wimpole. I shall hear from thence how long you intend to stay there, and from what you concert I shall be able to determine my coming towards you, as I have already said, within eight or at farthest ten days. I and the above-mentioned gentlemen drink your health, and so does Adrian at home.

"Service to sedate and determined Master Morley, if with you." *Unsigned.* (I. 98.)

JOHN DENNIS to MATTHEW PRIOR.

1720-1, March 17[-28].—"I have been severely handled by a violent cold ever since I waited on you last."

"Mr Watts sent me word yesterday that my book would be finished next week. I therefore desire, Sir, that, if you have had an opportunity to dispose of any of the six receipts which I had the honour to send you some time since, you would have the goodness to let me know it; and that, if such an opportunity has been wanting, you would have the goodness to return the receipts."

Postscript.—"I lodge behind the 'Ship' tavern at Charing Cross, and anything directed to be left for me at the bar of that tavern will come to my hands." (VII. 135.)

Matthew Prior to Lord Harley.

1720-1, March 18[-29]. Saturday night, 11 o'clock.—"I believe you have your *virtuosi* by you while you receive this letter; as they were packed up in one coach, they must necessarily have come together, or else—if it were possible—Gibbs would have come about three hours after the rest. Sir James [Thornhill], I presume, has rather been speculating in the chapel he is to paint, than praying in the neighbouring church, and friend Bridgeman's devotion has consisted chiefly in contriving how the diagonal may take Waddon steeple exactly in the middle; of Wooton I have little to say till I become a horseman, which may be now, I think, in few days; he shall then paint me upon Ralpho, and when any other hand can copy it as well as he has done my King Charles, I shall think him less a master than I do now.

"I can send you no news; old Craggs is gone after young Craggs; he had the sauciness to take opium in great quantity, because one of his betters had done so a fortnight before, as Cadogan bought up the vintage of Tokao because the Elector of Bavaria did so some years ago: *Dii boni in quae tempora nos reservastis?*

"Every man says and writes what he will; one kills Portman Seymour, who is not sick; another puts up Edward Lord Harley for burgess of Leim'ster, which by the by is yet better than the blunder of that beast of Queen's who in his preface to Tully *De Divinatione* calls you Thomas. Of all dunces the greatest is a mere scholar, and of all mere scholars the most stupid is a critic.

"How do you like Jack Ketch's letter in the *London Journal*? Pray write to me, for I shall now be able to square my motions by your direction, as I always desire to do; for one is easily guided by those whom one loves. All here are well; Adrian, while he makes up this letter, drinks your health with me; the bellman that takes the letter goes by; the mutton chops are just upon the table; so good night." *Unsigned.* (I. 100.)

John Dennis to Matthew Prior.

1720-1, March 23[-April 3].—"I had the honour this day to receive a very obliging letter from you, with four half-

guineas enclosed. You may depend upon it, Sir, that I shall not be so much wanting to myself as to omit inserting the catalogue of your noble friends in my list. I return you ten thousand thanks for all your favours." (VII. 136.)

MATTHEW PRIOR to LORD HARLEY.

[1720-1], March 24[-April 4.] 8 at night, Friday.—"I this afternoon—Friday—receive the favour of your letter, and by it am not very perfectly acquainted with your motions; I shall conform myself to Mr. Bridgeman's convenience, and be at Down on Monday night, where I will wait his coming. I write you no news; the Emperor would send Knight* home, if the States or Brabant may be prevailed with: I shall wait on Lady Harriette to-morrow, and write to you again to-morrow night. Mr. Shelton, Adrian and I drink your health, which I wish for ever; adieu." *Unsigned.* (I. 152.)

THE SAME to THE SAME.

1721, Lady Day, Westminster.—"By Mr. Bridgeman's letter to me I find he will have executed your orders by Monday; as I would always do what is most convenient to you, I have appointed to meet him on Wednesday afternoon at Down, and will accordingly set out hence on Wednesday morning. Bob Friend's cause comes on next Tuesday; Franco grows worse every day; Lord Cooper moved yesterday an address to the King to order the imports and exports of custom for six years past to be laid before the Lords; Bathurst seconded it extremely well and brave, and both descanted upon that part of the Speech which said our trade was in so flourishing a condition. I thank you for all favours, I am pretty well. I hear Sir James [Thornhill] has made a ballet; it is fine to have an universal genius; adieu."

Postscript.—"Drift will not let me be quiet till I have added his great thanks to you for remembering him." *Unsigned.* (I. 102.)

THE SAME to THE SAME.

[1721.] Lady Day, 10 at night.—"This letter, my Lord, only confirms what I wrote in the morning, that I would meet Mr. Bridgeman at Down on Wednesday, with this only change of circumstance that Lady Harriette tells me she sends away the coach on Monday, and is kind enough to ask me if her so doing will be of any use to me: it will be so, and of the same use to you, if I come in it to Down on Monday, and it comes to you on Tuesday morning, or, as it may be convenient to the coachman, on Monday night. Lady Harriette does not write to you, having written so lately that nothing occurs since. I have only to add that I write this from Dover Street, that my great and little Lady are well and that I am ever with great truth yours." *Unsigned.* (I. 150.)

*The Treasurer of the South Sea Company, then absconding in the Austrian Netherlands. See Cobbett, *Parl. Hist.* VII. 709.

THE SAME to THE SAME.

[1721, March 27-April 7]. Monday afternoon, Down Hall.—"I am just arrived here after a delightful morning and five hours' easy driving, I only wanted the master of the coach with me to have made the journey perfectly pleasant: I shall expect the *operator* Bridgeman here on Wednesday, that is, in case you have no commands for him, for I am not in haste. I know not directly when your journey is determined to London, so can only wish you a good voyage thither. I will tranquillize here some days, and measure ground and build houses upon paper with Drift. Ever yours.

"All at Dover Street are well." *Unsigned.* (I. 149.)

THE SAME to THE SAME.

[1721]. Easter Eve.—"I beg Your Lordship to excuse my not waiting on you to-day at dinner: I have a cold and sort of spring ague. Inglish has given me a drink for three or four days, and confines me a prisoner to his dose. Pray send me all the Anglicans and Gallicans you can spare: wishes for all your healths.

"Ever yours and a merry Easter to you." *Unsigned.* (I. 140.)

HUGH STANHOPE to MATTHEW PRIOR.

1721, April 6[-17].—"When I waited on you yesterday, about a subscription for Memoirs of the Life, &c., of the late E[arl] Stanhope, you were pleased to say, that you wished I would undertake to write a Life that would recompense my pains, and gain me more credit. This, Sir, may pass with some people for a kind expression, but to me, it carries the air of a French compliment. Can any man expect to gain more credit and advantage than from writing the Life of one who was universally known for his uncorrupt loyalty and fidelity to his king, his untainted zeal for the real good and welfare of his country, and his known abhorrence of bribery and corruption? And that the E[arl] Stanhope was such, is what his very enemies acknowledge. I am very sensible, that to write the Life of one of those unhappy lords, who justly forfeited their heads for being concerned in the late Rebellion, would be very agreeable to the taste of many, and meet with great encouragement, especially from those who were employed by some of the late Ministry to pave a way for bringing in the Pretender. I beg leave to observe, that to reflect on a person deceased, though obliquely, is very unbecoming the character of a gentleman; and they who now cast aspersions on the Earl Stanhope, would not dare to say half so much to his face, had he been living." (VII. 138.)

JOHN DENNIS to MATTHEW PRIOR.

1721, April 11[-22]. Charing Cross.—"I was so unfortunate on Sunday night as to have a visit from a writer of half-penny

doggrel, who lodges near Pye Corner, some of which doggrel he has lately had the folly and the impudence to dedicate to you, and to brag of your approbation of it. This scribbler told me that you and Mr. Congreve were mortally affronted at a letter writ to the late Duke of Buckingham and printed in the book about to be published. As I had a little indignation to find myself accused of affronting gentlemen to whom I am obliged and whom I have always esteemed, by way of requital for this news I turned the rascal ignominiously out of doors.

"Sir, as the book is now ready I desire that you would send to the bookseller for it, and then upon reading that letter you will find that no man in England has reason to take anything ill which is in that letter but that vile scribbler himself; but being a very insignificant wretch, he is willing to father his resentment upon you and Mr. Congreve, and, to gratify his own wretched malice, embroil me with you and him. (VII. 139.)

MATTHEW PRIOR to LORD HARLEY.

[1721,] May 2[-13]. Tuesday.—"I am better as to my cold, and hope to have the honour of receiving your person and commands to-morrow. I am obliged to wait on my cousin to-day, to help to settle her affairs, which are—bad enough; I return your *nouvelles*. If you please to send me the *Revenge** and any other stray papers, you will oblige me in small things as you always do in the greatest; adieu." *Unsigned.* (I. 136.)

THE SAME to THE SAME.

[1721, May 3-14]. Wednesday morning.—"I have sent my excuses to Mr. Caesar, who invited me to dine with him to-day; indeed I am not well enough to go further than my cousin's to something between a dinner and supper, and cards; admirable!

"Pray send me some old *nouvelles*, of any sort, and I hope you will see me to-morrow: I am every day yours." *Unsigned.* (I. 137.)

THE SAME to THE SAME.

[1721.] Sunday morning, 10 o'clock. Down.—"I receive and answer yours, my dear Lord, the same minute. I have no greater pleasure than to hear you are well, and can receive no greater honour than Lady Harriette's compliment. I have always told you what would be the effect of our northern policy, and am sorry to be found so true a prophet, but more of this when I see you; you do not say anything of going to Wimpole; I begin to fancy you love the town as much as you say I do the country. Indeed I plead guilty to the accusation, and if you were not in London I should not envy

*Young's Tragedy.

my Lord Mayor all the honour the Guild can give him, but rather converse with Wilborow, the brickmaker, than with His Lordship and his brethren at that end of the town, or with most of the politicians in the Court of Request. I am so employed that the day seems short, and so much in love with Down that I think I shall pardon my countryman Morley for being the innocent cause of turning my brain, but this shall be left as soon as I have set my matters in a little way of going on, and my affections will soon turn to Wimpole when I hear my Lord Harley is tending that way. I am ever with true respect Lady Harriette's and your servant."

Postscript.—"Dick Shelton is with me, and we jointly drank your health, Lady Harriette's, little Lady's, Morley the Squire's, &c., with the miller last night after we had paid our workmen. Adieu, my Lord; pray let me hear from you. Adrian is proud to be remembered by you; he is at work for you; he hates country affairs." *Unsigned.* (I. 119.)

GILES JACOB to MATTHEW PRIOR.

1721, May 18[–29].—"Having since my *Lives of the Poets* wrote and finished a book in my profession, entitled a *Treatise of Laws or a General Introduction to the Common, Civil, and Canon Law*, &c., containing thirty-five sheets in octavo, above one hundred and thirty Latin maxims in the Common Law, and the like number of heads in the Civil Law, &c., from Justinian, &c., which book, if I myself can pretend to judge of my own productions (either by my labour or otherwise), is the best I ever wrote, and so completed as to be useful to all gentlemen and noblemen; I should take it as the most generous friendship, the kindest service, and greatest addition to your former favours, if you would please, Sir, at this time (when I have been forced to leave the town for my health, and have very lately felt other misfortunes) to think of some person for me for a patron, to whom it might be acceptable by way of dedication. I have some thoughts of my Lord Harley and the Duke of Dorset, but want your advice and assistance for my guidance in this affair. If you think you can recommend me to some patron fit for my undertaking, I will send you one of the parts printed, especially that treating of the Civil Law and Laws of Nations, which, perhaps, (though you are well acquainted with our laws in general), you may best judge of, and by reason of its great equity find greatest satisfaction in. I beg the favour of your answer as soon as conveniently you can, for that the proprietors are impatient to see the event of my labours, and the whole will be printed this week or the beginning of the next at farthest; and I intend you a present of one of my books. I have lately fallen out with Mr. Dennis, on account of his inserting among his Letters a dedication to the Duke of Buckingham, designed for my *Lives of the Poets*, reflecting on the memory of Cowley, which you and Mr. Congreve both disapproved; but

he says they are all fools as pretend to find fault with it. I was imposed upon by Mr. Stanhope, and ask your pardon; I shall not for the future presume to send to you on such an errand."

Postscript.—"I have been very ill for above a fortnight of a pleurisy, but I thank God I am now upon recovery. I lodge at Mrs. Carpenter's in Rowford's Buildings, near the Church, Islington." (VII. 140.)

MATTHEW PRIOR to LORD HARLEY.

1721, June 8[-19]. Down.—"I am very much obliged to you for your letter of the 5th, which was the most welcome thing Drift could bring me. I hope you had a pleasant journey into Buckinghamshire, for I would have all your ways pleasurable, and all your life agreeable. I desire my respects always to be given to Lady Harriette, I would add likewise to Lord and Lady Cheney—in case this finds you at their house—for I would have all your and Lady Harriette's friends know that I love them for being such.

"Hélas! notre petit chat est mort! we are here to-morrow and gone to-day [*sic*]: if Your Lordship and D. Sh—— have no greater losses to sympathise in than the death of your coach-horses ye are not much to be pitied; I know no advice to give His Grace in this behalf, not having had the honour of conversing much with him since the 500 pounds' bill, but I may tell you that the best way to save your future *dragons* is to make your journey to Wimpole two days, and take Down for your half-way house, which I hope may be effected in eighteen months, for I have already lopped the tree that is to make the plank that is to saw the timber, that is to floor the room where I hope you will be within the time aforesaid. Your *O rus! quando te aspiciam?* is admirable before you had been two days in the town; you may laugh at my solitude as much as you please, but I like it infinitely, and shall do more so when the noise of the axes and hammers to the tune of five pound a week grows less tumultuous; but Down in itself considered I love more than Tully did his Tusculum, or Horace his Sabine field, nor would quit it for anything, but to be with you or to serve you. As you have been kind enough to ask Drift for my address, pray make use of it, remembering that to hear from those one loves is (next to seeing them) the greatest satisfaction; adieu." *Unsigned.* (I. 105.)

THE SAME to THE SAME.

1721, June 14[-25]. Down.—"I have yours, my dear Lord, of yesterday, and hope this will find you and Lady Harriette safe returned to Dover Street, after the pleasure of a fine journey, and no coach-horses lost; I repeat to you that Down, being your halfway house to Wimpole, will save your cattle, and be the best inn you can sup at, for which reason I am

now planting salating, and setting my eggs under the miller's hen; the kitchen-garden this year, the apartment of three rooms the next, and what then? Why, what Mons. Fouquet said to the late Queen of France when she asked him what he was building at Vaux. 'Only a stable, Madam,' he replied, 'where your horses may bait in your way to Fontainebleau, and if I add a pavilion, 'tis because there are none but thatched houses in the village.' Lady Harriette may apply this piece of history, but pray let us carry the parallel no further, for Fouquet was removed above two hundred mile from his house, and lay in prison above twenty years in Pignerol, commenting upon the Ecclesiastes. I have done that already, you know, in verse, and Morley himself was never so unreasonable as to ask for another volume of *Solomon*. However, he may expect the second part of the *Ballad of Down*. Wherever that noble youth of Essex is he may understand that I am making a stile at the end of Great Hilly Field, where the cattle got in, and did a power of wrong, to be sure, and putting brushwood under the old gate, where they plaguy pigs crept into the pease-close. I would stay here a little longer, as well for the *utile* as the *dulce*; for, since we have begun, we must not neglect, and *redime te captum quam queas minimo* is as good sense in domestic affairs as in war; in the meantime your paragraph of the South Sea makes my heart ache a little, and poor Lawton's death gives me another real trouble, but *que faire?* I will be vexed at nothing while I enjoy your friendship, and I will live no longer than I will strive to deserve it: I have tired you with a long letter, though I had nothing to say to you, when I begun it, but that I am your servant; adieu.

"Drift is working for you, and begs his great respects may be given to you or else he will not fold or superscribe my epistle. Pray write to me on Saturday; *vive et vale.*" *Unsigned.* (I. 107.)

The Same to The Same.

1721, June 22[-July 3]. Down.—"Friend Richard, being called from me by his loyalty to his King's and other great affairs, charges himself very readily with this affectionate letter, which is only to tell you I constantly wish health and happiness to you and my Lady, with dear remembrance always of little Peggy. Your last deserves my thanks, and the King of Sweden's [reli]gion therein mentioned demands my admiration: pray think on Mons. Jo[u]rdain in the *Citizen turned Gentleman*, that was to marry his daughter to the great Turk and be himself made a Mamamuchi; he was afraid he had not portion enough to give her, in order to procure so great an alliance. I will wait on you as soon as I have settled the affairs of this week and given some necessary orders as to the next, if you will write a word to me on Saturday night, and believe me to be ever and entirely yours."

Postscript.—"I have a great deal to say to my friend and countryman Morley about sinking a well and splashing a quickset, by which discourse I may happen to prove that I am not so ignorant of country affairs as some people may imagine. Once more, my dear Lord, adieu." *Unsigned.* (I. 110.)

MATTHEW PRIOR to LORD HARLEY.

[1721,] June 25[-July 6]. Down.—"Master Richard did well in giving you my letter, and you did better in answering it; if you and yours are well, my Alma is satisfied. I have sunk a well, which answers to my wish, and will water my garden deliciously. I will be with you at furthest on Tuesday night, for I have much to ask and much to *spéculer* concerning the presidentship, which, I think, must unavoidably lead further. I wish to God Lord Oxford may be well enough to come to London; I have much to say to you upon that head. Bridgeman writes me word that he is to go to Wimple to-morrow morning, and will call at Down on Wednesday; but that is nothing. I shall leave my opinion of matters with his deputy Adams, and come away—as I said— so as to see you on Tuesday evening, no coach coming by to-morrow that can take me up nearer than Harlow; adieu." *Unsigned.* (I. 118.)

CHARLES GILDON to MATTHEW PRIOR.

1721, July 21[-August 1]. Bull Head Court, Jewin Street. —"'Tis now above a fortnight since I ordered three of my books to be left at my Lord Harley's, one directed to my Lord, another to my Lady, and a third to you. That they were delivered to one of my Lord's servants I am certain, but whether they were by him delivered according to their directions I am tempted to doubt, because in all this time I have not had the happiness to hear that they were so. From hence I take the occasion of troubling you with a request which I have to make to you. These two last terms my old acquaintance Sam Briscoe called upon me, and among other things informed me that he had in his trouble met with no act of generosity but from Mr. Prior, who had given him five guineas for a set of Tom Brown's works, and had prevailed with my Lord Harley to give him five more for another set. He further informed me that one Mr. Jacups, a new author, told him that Mr. Prior had made a collection for him to pay his debts. These generous [actio]ns to these two makes me hope that I likewise shall find the good effect of your beneficent temper, having every way, I think, as reasonable a claim to it, as the two persons I have mentioned, and by this a stronger, that I am in years, blind and lame, and of a very infirm health. I am endeavouring to get a collection made for me to enable me to remove from this out-of-the-way place to one more proper for my condition, and to provide against

the attacks of necessity by setting up a lecture which will be sufficient to supply my wants. Being sensible that to engage my Lord Harley in this collection there is nothing wanting but your mediation, that is what now I most earnestly beg at your hands, for though my Lady Duchess's present was extremely handsome, yet my anticipations upon it were so large that I had but little left of it as soon as received, and therefore I have been obliged to have recourse to the method I now mention. In which I must once more beg your earnest and speedy assistance, and the favour shall always be acknowledged." (VII. 144.)

Charles Gildon to Matthew Prior.

1721, July 27[-August 7]. Bull Head Court, Jewin Street.—"I understand that you and my Lord's family are all moving out of town next Saturday. I am the more surprised because I have not had one line from you about the present I sent you, or my subsequent letter to you, which is a treatment that I have not met with from any one but Mr. Prior; for though I have written to the greatest men in England both ecclesiastical and temporal, yet not one of them ever thought me unworthy of a civil answer, but I suppose that it is not Mr. Prior's way. As a gentleman, as I may say I am both by birth and education, and I think without much vanity, I may say a scholar, I thought I had a right to an answer from another gentleman, but it seems I was mistaken, which confirms the opinion of a very intimate friend of mine, who told me that I had so long locked myself up from the world, that I had forgot the world. And yet I hope that my mistaking Mr. Prior will not be a very strong proof of his assertion, because upon my sending one of my books to one of the greatest persons in England, he not only sent me twenty guineas, but likewise ordered his chaplain to send me a very obliging answer.

"I have much more to say to you upon this head, but shall defer till you return to town. I shall trouble you with no more at present." (VII. 146.)

Matthew Prior to the Earl of Oxford.

1721, August 31[-Sept. 11]. Wimpole.—"Since at this distance all by which I can show my respect to you is daily to wish your health and to pray for the perfect establishment of it, I imagine I have held as continual a correspondence with you as if I had writ every post to tell you so; besides that as well at London as in the country I have had the happiness of being near my Lord Harley, and the additional one of hearing from you by his letters without your being troubled with mine, which is no small advantage to both of us; in this conduct I have kept what the French call *un silence respectueux*, which some in English would translate *an excuse for laziness;* and possibly upon another

impeachment that silence might be found criminal (*vide* Parker's speech, Sacheveril's trial). But now, as Sir Philip [Yorke] used to say to brother B . . . . , one word, good Sir, to the business, that of the day, I mean, which is joy and happiness to Lord Harley and Lady Harriette, and to the Earl of Oxford on their account; and if I do not express myself very perfectly, I desire Your Lordship to make it out for me, for the sentiments I feel on this occasion are pretty like those that you yourself have, only that the title of a father has—I know not how—by general consent claimed a place nearer than that of a friend: so I will just yield the point to Your Lordship, but to no man else alive. I return Your Lordship my humblest thanks for having mentioned me to your dear and beautiful correspondent Peggy: I never saw an angel, though I have read much of them but, I fancy, she is very like one. She has no wings, indeed, but she has legs that carry her so lightly that it is a question if she flies, or no; and now I will talk of no mortal people but those here, Serjeant Commins, Squire Morley and my school-fellow Robin Harley, who all give your [*sic*] duty and respect to Your Lordship as I do mine to all where you are; the rest I reserve till I see you at London, where I hope your health will permit you to go this autumn. I shall then break out *viva voce*, and in one week discharge myself of what I have laid up for a year, though the most important thing I shall ever have to say is to assure Your Lordship of my being with inviolable zeal and esteem, &c." (I. 112.)

JOURNAL &C., MEMOIRS, &C., RELATING TO THE TREATY OF RYSWICK.

"1696, Sept. 5[-15.]—The King went to Clèves to pay the Elector of Brandebourg a visit; the Elector met him at Skinkenskense [Schenkenschanz]; from thence to Clèves, the Elector and the King went in one coach, the Electoral Prince and the Duke of Zell in another; these two last had doubtless very agreeable discourse, for one of them is seven years old and the other seventy-two.

"The King played at cards that afternoon with the Electress in her apartment, and with the Duke of Zell, who had an ordinary chair; Mr. C[ressett] sat in the like chair (as to teach the King and see his hand), and the Princess stood all the while, which was about five hours. The King supped in the same apartment with the Electress, the Electoral Prince, the Princess, the Duke of Zell; the Elector in his own apartment with some of the men.

"The King and Elector could not eat together, because the King could not let the Elector have an armed chair, and the Elector could not be treated with less in his own regence. The King's family and the strangers were all treated very

greatly at several tables, according to their quality, in the great hall; the meat was good, the wine (all but the Rhenish) bad, and so liberally filled that people were drunk before the desert; but if the guests lost their understanding, at least they had no occasion for it, for everybody found a servant and a flambeau to convoy them to the gate of the castle, and there a coach to carry them to their own lodging; the same coaches waited for them in the morning."

"Sunday, the 16th. [N.S.]—The King and Elector heard different sermons for the same reason that obliged them to eat at different tables. After sermon they went together in the same calash to see the park, and that part of it which they call the Starembourg, from which hill one sees one of the largest prospects in Europe.

"We dined in the same manner as we supped the night before; at four afternoon the Elector conducted the King back in the same manner as he went to receive him.

"The Elector allowed two ducats to each man of His Majesty's guards and two ducatoons to every man's servant there, but few took it.

"The King gave to several of the Electress's women five rings of good value from 500 to 150 pounds, and 2,500 pounds amongst the servants.

"In coming home there happened a quarrel between Lord P[ortland] and Mr. K[eppel]. P[ortland] was in one of the Duke of Zell's coaches and K[eppel] in one of the King's. K[eppel] overtook P[ortland] and kept the way quite to Deering [Dieren], where P[ortland], getting out of the coach, threatened to beat the coachman, and said he was an impertinent puppy; the fellow excused himself upon the orders he had received, upon which Portland said that he who gave those orders was an impertinent puppy, or words to that effect; the matter was complained of to the King on both sides, but we heard no more of it; it was whispered that K[eppel] was in disgrace, because he went next day to his own house at Zutphen; but he came back the next, and was as much in favour as ever."

"Wednesday, the 19th. [N.S.]—Mr. Blathwayt told me that he had represented to the King what the Duke of Sh[rewsbury] had written in my behalf, that I might be thought of as Secretary to the Embassy when the peace should be made; the King was pleased to answer that he was of my Lord P[ortland]'s opinion as to my being proper for that employment, and that my pretensions were just and reasonable, which I hearing from Mr. Blathwayt desired Mr. C[ressett] to thank the King for this honour he intended me, and came from Loo (Thursday, the 20th)."

"Saturday the 22nd. [N.S.]—I came to The Hague and heard that my Lord V[illiers] was gone to Loo." (XVI. 1-2.)

"Dec. 12[-22].—His Majesty named the Right Honourable the Lord Privy Seal, the Lord Viscount Villiers, and Sir

Joseph Williamson his Plenipotentiaries for the Treaty of a General Peace.''

''1697, Feb. 4. [N.S.]—The mediation was required of Mons. Lilieroet [the Swedish Envoy] by Count Kaunitz in the name of the Congress.''

''[Feb.] 10. [N.S.]—Cailieres [Callières] dictated to the Mediator the preliminaries in presence of Mr. Dyckvelt.''

''[Feb.] 14. [N.S.]—The form of passports was agreed on, and the contredéclaration adjusted which Count Kaunitz dictated to the Mediator [Feb.] 16.''

''At the same time Lilienroett made his declaration concerning Luxembourg and Strasbourg for Cailieres' justification.''

''[Feb.] 25. [N.S.]—The form of the *pleinpouvoirs* communicated to the Ministers by the Mediator.''

''March 5. [N.S.]—My Lord Villiers gave an account of a discourse between him and the Mediator to this effect:—

''L[ord] V[illiers].—'It was thought there might be some difficulty in the business of the passports, in regard of His Majesty's titles, and accordingly I spoke to the Mediator to take care that they might receive no prejudice in that or any other Act in the Treaty. I told him that the French would never be suffered to make any distinction between His Majesty and the rest of the Allies, and that His Majesty would treat France in every point as France treated His Majesty. Upon this the Mediator has spoken to Mons. Cailleres, who has consented to give the Ministers of His Majesty blank passes, as to the Ministers of the rest of the Allies; he likewise said, he thought it reasonable that every packet-boat should have a pass for the vessel, her equipage, and for the letters she carries, merchandises and passengers excepted, but to this he could not consent without an order from his Court, which he would write for; by this agreement the packet (as a courier) may be stopped to see if she has no passengers and merchandises on board, but is not to be detained above an hour at most, nor led out of her way.

'The Mediator in discourse with Mons. Cailleres mentioned a pass for my Lord Pembroke and Sir Joseph Williamson, but that was not found practicable according to the article in the Preliminaries about owning His Majesty, so that a good convoy is thought the best expedient in this affair.

'The Mediator has spoken to Mons. Cailleres of the business of Lorraine, but as yet cannot get it upon better terms than France has already offered it. In speaking of this business the Mediator assured Mons. Cailleres that the Allies would never hearken to an equivalent for Strasbourg.

'The French except aganist the Emperor's bearing the title of Landgrave of Alsatia in his *pleinpouvoirs*, and say that His Imperial Majesty has never used it in any Act since the Peace of Westphalia; this will be easily known and easily adjusted by a declaration from the Mediator that the taking

a title by any Prince shall not prejudice the pretension that another can have to it.' "

[Memorandum.]—" I went for England, Jan. 23rd. N.S., and returned March 17. I took leave of the King on Sunday, March 10, at Kensington, from which day my new privy seal as Secretary of the Embassy commences."

" 1697, April 3rd. N.S.—Count Kaunitz informed the Ministers at the Congress at the desire of Mons. Lilienroett, that the French had agreed to the points following :—

' 1. That all ceremonies should be abolished.

' 2. To the act of the Mediator: that the taking of a title by one Prince should no way prejudice the claim of any other Prince to it.

' 3. To the passports : that every Minister should have free and secure correspondence with his Master, in order to which blank passports are to be given to each party, the packet-boat to and from England is to be looked upon as a courier ; but the merchandises and passengers, which are on board, are not free ; if any party desires a passport to go to any other place than the residence of his own Master, it is left to the liberty of the other party to grant or refuse it.

' 4. To the *pleinpouvoirs*, which are to be upon the same foot as that of Nimègue.

" The Pensioner [Heinsius] told the Allies that *ad interim* and provisionally they might meet the Mediator in the Congress-room, the table removed." (XVI. 3-5.)

"Journal of what was done at the first meeting at Ryswick."

" 1697, Thursday, May 9th. [N.S.]—The Ministers being assembled at 4 [o'clock] afternoon, the Mediator showed his own *pleinpouvoirs* and each Minister did the like ; the Mediator went for some time to the other side, and returning showed the Ministers of the Allies the *pleinpouvoirs* of the French Ministers ; which being read, it appeared that they had power to treat with the Emperor, King of Spain, and States General, and with all that are in alliance with them ; the Mediator went to his own apartment ; the *pleinpouvoirs* of the several Ministers were brought to him by the Secretaries, and two copies collationed, one of them signed and sealed by the respective Ministers (whose they were), were left in the Mediator's hand. The Mediator, returning to the Ministers of the Allies, informed them that the French desired (for the present) only to see the *pleinpouvoirs* of the Emperor, King of Spain and the States.

" The Mediator gave the Spanish Ministers the French Ministers' answer to the reunions made in the Catholic provinces since the Treaty of Nimègue.

" The Mediator read an Act which was to save any Princes being prejudiced by another's assuming any title.

"The Congress adjourned till Saturday, the 11th, at 10 o'clock in the morning."

"Saturday, May 11th. [N.S.] In the Congress at Ryswick.—

"The Mediator gave the Imperialists, Spaniards and Dutch Ministers the copy of the French *pleinpouvoirs*.

"It was resolved that the Congress should for the future meet at Ryswick on Wednesday morning and Saturday afternoon.

"The Brandebourg Minister did from the beginning make some exceptions against his Master's not being particularly named in the French *pleinpouvoirs*, but only generally mentioned under the name of ally."

"May 14th [N.S.]—The Mediator paid my Lord Pembroke the first visit, in His Lordship's apartment in my Lord Villiers' house." (XVI. 7-8.)

"Wednesday, May the 15th. [N.S.] At the Congress at Ryswick.—

"The Mediator showed his new *pleinpouvoirs* signed in the name of the young King by the Queen his grandmother, and the rest of the Regents, and gave to each of the Allies an authentic copy signed Lilieroot and sealed with his arms.

"The Mediator gave in these three propositions :—

'Propositions de L'Ambassadeur Médiateur.

'1. De convenir d'un Règlement de Police; et il propose celui de Nimègue avec quelques additions, dont la copie est icy joint.

'2. De concerter du tems et de la manière de faire connoissance, et d'entrer en commerce avec Messrs. les Ambassadeurs de France sans que personne en puisse être préjudicié.

'3. De préparer les Propositions de Paix pour la première Conférence, s'il est possible.

"[As] to the first: the Mediator gave in the regulations made at Nimègue with some explications upon them.

"[As] to the second: the Emperor's Ministers and the French could not agree about the manner of their first meeting; the Imperialists proposed the great hall for the place, and that the French should be there some little time before the Imperialists entered. The French would not consent to enter any otherwise than each party from his respective apartment, and at the same time. Mr. Zeiler [*sic. i.e.*, Seilern] proposed an expedient, which was that the French should be in the Mediator's apartment, and upon notice given by the Mediator of their being there, the Imperialists should enter; the French would not accept of this expedient, and so the intended interview was laid aside.

"As to the third: the Allies said they would prepare their *Postulata* as soon as possible."

"Saturday, May the 18th. [N.S.] At the Congress at Ryswick.—

"The Emperor's Ministers showed the project of what they demanded in the name of the Emperor and Empire.

The Ministers of the several German Princes asked a copy of it, and that they might have time till the next Congress-day to consider of the several points contained in it, in order to their assenting to them."

"Wednesday, May the 22nd. [N.S.] At the Congress at Ryswick.—

"The Imperial Ministers had a conference with those of the other Princes of Germany some time before the Congress began, and instead of receiving their answers to the project given to them on Saturday, they produced a more ample form of their demands, and required the Ministers to give their opinion of it immediately. The Ministers excused themselves from doing it, there being some points in the project which required their further consideration, especially in points relating to religion; but there being one Article by which it was specified that every Prince might give in his demand particularly, the Imperialists thought they might give it into the Mediator's hand; which accordingly they did, but desired him not to give it to the French without receiving their demands at the same time.

"The Spaniards gave in their demands in general terms with the same condition. The Ministers of Cologne and Liége gave in their demands (of which they gave us a copy).

"Mons. Lilieroet went to the French, and coming back told the Imperialists that he had required that the French should give in their demands at the same time that they received those of the Imperialists, and that as to this point the French said that they stick to the declaration which Mons. Cailiere made in the Preliminaries.

"The Imperialists desired some time to consider of this answer before the Mediator should give in their Project." (XVI. 8-11.)

"Saturday, May 25th. [N.S.] At the Congress at Ryswick.—

"The Mediator acquainted the Congress that the French grew impatient that the Allies did not give in their pretensions; that he promised that they should soon do it; he therefore desired the Allies to make all convenient haste in the dispatch of their *Postulata*.

"The Mediator desired to know if the Allies were agreed to his regulations; they desired that they might have a copy of them and time to consider of it."

"Wednesday the 29th May. [N.S.] At the Congress at Ryswick.—

"The Mediator informed the Allies that he had given all the *Postulata* which he had already received from these Ministers into the hands of those of France, and that they had told him they would consider of those *Postulata*, and give their answer in some time. It was said that the Imperialists had made some alterations in those *Postulata* which they had given in before, particularly that in the 3rd Article *post*

Pacem Monasteriensem was changed to *post Pacem Westphalicam.*

"The Mediator told us that he had spoken to the French Ministers concerning our passports, and acquainted them that he had received notice from France by the Swedish Minister there, that Mons. Pomponne had said that the King his Master approved of the method which Mons. Lilieroot had proposed for the passports for the packet, and that it was by some mistake that they were not dispatched before now. The French said that the account they had from Mons. Pontchartrain was very contrary to this, but that they hoped by Friday's post they might have instructions in the thing.

"Everybody in effect agreed to the ceremonial, and so it was looked upon as an Act made by the Mediator which already only wanted its formal part. Some time was spent between the Mediator and the French, to try if means might be found for the Imperialists and the French to visit; but the Mediator not being able as yet to make them agree in the point, they will not yet see each other."

"Saturday the 1st of June. [N.S.] At the Congress at Ryswick.—

"The Mediator gave the Allies a paper from the French, which contained a previous question of which they desired to be informed before they answered to the *Postulata* of the Imperialists and Spaniards. Count Kaunitz and Don Quiros told the Mediator that the Allies would consider of that paper.

"Monday following being appointed for the general fast, it was agreed on by all parties that the Congress should meet on Tuesday at 5 [o'clock] afternoon."

"Tuesday the 4th June. [N.S.] At the Congress at Ryswick.—

"The Imperialists and Spaniards read to the Allies the answer which each of them had formed to the paper they had received from the French on Saturday. It was not at first approved of, as not entirely owning their consent to the Preliminaries, but after some small alterations made in it, it was agreed on.

"Count Kaunitz, Don Quiros and Mons. Dyckvelt carried it to the Mediator, to be by him handed to the French. The Mediator brought word back that he had delivered the answer, and that the French desired time till Saturday to reply to it; the Mediator added that the French in discourse with him had said they thought that as well the Allies on one side as themselves on the other were obliged to keep in the main to the Preliminaries.

"The Mediator delivered to the Allies the copies he had signed and sealed of the Act for the regulation of the ceremonial."

"Saturday the 8th June. [N.S.] At the Congress at Ryswick.—

"The Mediator received from the French and gave to the Allies the answer which the French made to the paper they had received from the Imperialists the Tuesday before; of which the Secretaries, who were called in for that purpose, took copies."

"Tuesday the 11th.—The English Embassy had a conference with the Pensioner [Heinsius] at his own house; Sir Joseph Williamson assisted, this being the first time he had acted.

"We had news that Ath was taken the 5th." (XVI. 11-15.)

"Wednesday, June the 12th. [N.S.] At the Congress at Ryswick.—

"The Mediator informed the Allies that he had been yesterday with the French Ambassadors, and had proposed to them the breaking off this way of treaty by writing, and proposed that of his own acting *viva voce* as the most proper for gaining time; that the French desired time to consider of this proposal till this morning; and that he had received their answer in this House this morning; which was, that they consented to it; he added that they did it with great difficulty, and gave him to understand at the same time, that they thought that both parties were equally obliged not to exceed the Preliminaries.

"As to the Spanish demands the French said that their proposals was [*sic*] plainly the Peace of the Pyrenees; upon that the Mediator replied that it was not to be wondered at, for that the Allies had promised the Spaniards the performance of that Treaty, but the French still insisted that they would keep to that of Nimègue, as they had said in the Preliminaries. The French said that the German *Postulata* went beyond what they could think of agreeing to; that there were expressions in them disrespectful; they instanced in *Reservatio Gallica* which, said they, was little better than *Fides Punica*.

"The Mediator next acquainted the Allies, that he had proposed to the French the going upon the heads *articulatim*, and that they had told him in particular that they had consented to it. He therefore required the Allies' consent, which was given; and the Mediator went back and brought word that the French gave likewise their formal consent to this method.

"The Mediator took the opportunity of the Allies being there assembled together to notify to them the death of the King his Master; he said he took that way to avoid any dispute that might arise from his notifying it to one party sooner than to another, and that though the matter was for him [*sic. i.e.*, foreign] to anything which was contained in the Regulation, the form of this notification was consonant to that Act, and that was the reason of his following it. Sir Joseph Williamson assisted for the first time at the Congress.

"We received the same day the passport for our packets; and having considered of it, and found it not exactly according

to what the French had promised to the Mediator, we returned it the next day, 13th, to Mr. Dyckvelt, who gave it back again to the French Ambassador, who agreed that it was deficient and promised to write again concerning it into France." (XVI. 16-18.)

"The 15th [N.S.] June. At Ryswick.—

"The Imperialists and Spaniards gave the first Article of their *Postulata* to the Mediator, who handed it to the French; they excepted at present against the word *Christianissimus* being written in short *Xmus* in the Imperialists' Article, who said that this contained only the sense of what they would say, and was not in form as they intended it should be when they came to sign. In the meantime they caused it to be altered, and gave it back again. The Imperialists in some private conferences they had with the Mediator negotiated an interview between them and the French to be had at Ryswick in the Mediator's chambers at other times than those of the public meeting. The Spaniards endeavoured the like interview; the French consented to see the Imperialists as they proposed in the Mediator's apartment, in the manner as they did at Nimègue, as often and at what time the Imperialists pleased, provided that, upon notification from the French of their arrival, Count Kaunitz and Count Stratmann, the two first of the Imperial Embassy, would give them the first visit, as to those who came last; and on their part they offered in the same manner to make the first visit to Mons. Zeiler [*sic. i.e.*, Seilern], the 3rd of the Imperial Embassy, he arriving since them; the Imperialists took this *ad referendum*.

"As to the seeing the Spaniards, the French made a difficulty of their coming into the Mediator's apartment from the same side as the Imperialists, it being the right hand of the House and consequently the best apartment, and only yielded to the Allies upon the account of the Imperialists being there."

"The 17th [N.S.] June, 5 [o'clock] afternoon.—The Imperial Embassy had a conference with us at my Lord Pembrook's house; they told us that they did not think it proper to make any further advance towards this interview without first advising with us, it being a respect which they owed to His Majesty. We said that this previous notification to the two parties seeing each other was destroying the Regulation which had already been agreed to, and that a notification made now would be more remarkable as to us, since we could not have the like from the Allies, having already received their visits. Mons. Zeiler asked us if we had any reason to object against the Imperialists seeing the French, provided it was done without notification or ceremony; we replied that we could say nothing to that, since it was a freedom allowed in the Regulation to the private discretion of each party, and that we would wait upon their Excellencies to-morrow with a more positive answer; accordingly they named 5 [o'clock] afternoon."

"18th [N.S.] June, 4 [o'clock] afternoon.—We met at my Lord Pembrook's. Mr. Prior read to us the Project together with the Great Article [expressly abrogating the alliance between Louis XIV. and James II.] in a separate paper; some small alterations were made in the wording the Project, and we went with it to the Pensioner, and left it in his hand; we likewise told him, our resolution was to give the Imperialists for answer what we had represented to them the day before, that the first Article of the Regulation was to be stuck to, and for the rest it was left to their liberty."

"June the 19th. [N.S.] At Ryswick.—

"Count Kaunitz acquainted the English Embassy, that he had told the Mediator in the name of the Imperial Embassy that they could not admit of any expedient in order to their seeing the French which might contradict the first Article of the Regulation, to which they had agreed.

"The Imperial Embassy retired into the Mediator's apartment, and received from His Excellency there an Article which the French had drawn up, and which they would consent to instead of that first Article which they had received from the Imperialists, from which this differed. The Imperialists took it, but did not read it at the Congress, which was in a manner taking it, as their phrase expresses it, *ad referendum.*

"The first article of the Spanish *Postulata* was agreed to by the French; it was *verbatim* the same as the first of the Treaty of Nimègue.

"My Lord Villiers in a private conference with Mons. Boreel urged all imaginable arguments for their and our not receding in the least from the Great Article."

"The 21st [N.S.] of June.—This morning Mons. Dyckvelt had a conference with the English Embassy; being in the afternoon to see the French, he had a copy of the Project of Peace and the Great Article given to him. He the next day returned the French's answer to the substance of the Great Article which he had mentioned *viva voce* to them; which was that the King their Master could no way consent to have a Prince named in that manner with whom he had been in so long and so strict an alliance; that, for the rest, they were ready to consent to the doing the thing in as ample and formal terms as could be thought of." (XVI. 15-23.)

"June the 25th. [N.S.]—We had a conference with the Pensioner, Mons. Dyckvelt and Mons. Haren concerning what the Dutch Ministers were to say in the business of England to the French; it was agreed that they should tell them that our Project was made and sent to His Majesty for his approbation, and that as soon as it came back they should receive it."

"June the 26th. [N.S.] At Ryswick.—

"Mons. Dyckvelt told us at our coming that Mons. Boreel had been prevented by a fever from seeing the French the day before, and consequently that what he had charged him

with concerning our affair was not yet done. The Mediator told the Imperialists, as from the French, that the objection the Imperialists had made to the first Article should be no hindrance to the Treaty, but that those objections were improper as yet, for that as well the French's explaining themselves as to their having or not having allies, as likewise that of who might be contained in the amnesty was to be specified at the end of the Treaty; that they had no ally now, but might have before the signing the peace, and that they might likewise ask an amnesty then for some persons, though there was no occasion for their asking it now; the other alterations in this Article the French consented to. The Mediator told the Spaniard that the French had said they had as yet no answer concerning the Spanish reunions.

"The Mediator told us in his own apartment that he thought himself obliged to inform us of what had passed between the Imperialists and the French, that he would not omit telling us anything wherein we might possibly be concerned, as, may be, we might think ourselves, in [the] explanation which the Imperialists had asked from the French of the word *confoederatos* and of the answer the French had given them: we said we were not apprehensive of any danger herein, but we desired him to insert into his protocol that they had said they had no ally.

"The Mediator acquainted all the Allies that the French had complained of the slowness of the Treaty, this being the 15th meeting, and yet things so little advanced: the Mediator said he was of the same opinion, and desired the Allies to think of some quicker method of negotiating; they answered that they expected that these methods should be proposed by the French, since it was only they that were the reason of our being in this way of treaty as we are.

"In the afternoon at my Lord Pembrook's house Mons. Bosen and Mons. Smetteau[Schmettau]* came to us to desire our good offices to the Imperialists that they might insert in their demands the settlement of the Protestant religion in Germany according to the Treaty of Westphalia; they gave us a copy of the memorial which they had given to the Mediator on that subject." (XVI. 30-32.)

"Saturday the 29th [N.S.] June.—We had a conference with the Pensioner, Mons. Dyckvelt and Mons. Haren, Mons. Boreel being sick; we told them we had received a Project from His Majesty with his order to give it in without the Secret Article.† We therefore desired the Dutch to press *viva voce*, and to the utmost of their power, the naming King James, and absolutely to reject the proposition which the French might make in favour of the rebels."

"The same day. At Ryswick.—

*The Saxon and Prussian Plenipotentiaries.

† *I.e.*, the substance of the Great Article without express mention of King James.

"The Imperialists proposed to us that, since the French had not answered the demands they made in their *Postulata*, and looked upon the second method they had proposed of treating by article as tedious, of which opinion themselves were likewise, that therefore it should be proposed to the French to give an entire project of what they would agree to. The Imperialists therefore desired the Congress to depute some Minister to the Mediator to acquaint him with their design; the Spaniards opposed this way of proceeding as what might deroge from what was already settled, as if it left a power too unlimited to the French of proposing what they pleased; the rest of the Allies consented to the thing, but proposed that the Mediator might be sent for. Whilst this was arguing, the Imperialists went from the Congress of their own accord to propose the thing to the Mediator. The Allies were surprised at this their proceeding, but desired Count Caunitz at his return to dictate to the Congress what he had said to the Mediator; which he did as followeth :—

"'Qu'il avoit proposé au Médiateur de proposer aux François de donner un projet qui contient toute la paix : tous les articles étendus, et point en termes généraux'; he added likewise to the Mediator :—'Qu'il avoit communiqué cette proposition à tous les Alliés qui en étoient tous d'accord, excepté les Espagnols, qui parleroient pour eux mêmes; que, comme le Médiateur avoit répondu là-dessus que la France pourra parler seulement de la Paix de Nimègue, il avoit répondu, que par là ils se départeroient des Préliminaires qui renferment les deux Paix, que ce seroit plutôt pour rompre les deux Paix, que pour l'avancer.'"

"Sunday, June 30th. [N.S.]—At my Lord Pembroke's it was agreed that these words should be added to the 7th article (in the middle) :—'Except only such places as were taken by the French from the English during the peace which preceded this war'." (XVI. 34–36.)

"Sunday the 30th [N.S.] June, and Monday the 1st [N.S.] July.—Count Kaunitz and Count Straatman went separately to Delft in two coaches and six horses each, and visited the three French Ambassadors each at his own house. The three French Ambassadors returned these visits on Monday likewise separately, and after that paid a visit to Mons. Seiler[n], the 3rd of the Imperial Embassy, as being arrived here after the French. The Project of Peace was given in by Mr. Prior to Mons. Dyckvelt in Latin, the Article of Orange inserted in it."

"Tuesday the 2nd [N.S.] July.—The Spanish Ambassador went separately to Delft to visit the French, and Mons. Seiler[n] returned the visit they had given him the day before."

"Wednesday the 3rd [N.S. July]. At Ryswick.—The Mediator acquainted us that as to what he had proposed to the French on Saturday from the Imperialists, the French had

answered that they were very willing to give in a Project as the Imperialists desired, but that being at present in treaty with the *Quatre Puissances*, the Emperor and the Empire, the Kings and the States, they could not give in such a Project till they were assured all these parties had agreed about it, but that the Spaniards had not as yet consented to it; they added that the Treaty of Nimègue would be the object of the Treaty they designed to form, but insinuated withal that something more might be obtained if the Allies showed by their manner of negotiating that they were sincerely intent upon a peace. In answer to this the Allies told the Mediator that they would take the thing into consideration; then the Mediator went into his own apartment, and the Spaniards, having been with him, returned and acquainted the Congress that they had told him that they would consider of the whole business of the Project, that they would not consent to anything that might deroge from the Preliminaries in the Project when it should be made." (XVI. 34–39.)

"Saturday the 6th [N.S. July]. At Ryswick.—Nothing was done, the French alleging that they could not give in their Project till the Spaniards were agreed with the rest of the Allies."

"July the 8th [N.S.].—Mons. Bosen, Ambassador from Saxe, notified to the several Ministers of the Allies that the Elector, his Master, was chosen King of Poland; the English Embassy visited him severally the next day to congratulate this new honour to the Elector."

"Wednesday the 10th [N.S.] of July. At Ryswick.—The Mediator told us that, considering the French might have had an answer from their Court concerning the Project, he had asked them if they had anything to say to the Allies, and that they still excused themselves upon the Spaniards not having given their consent; that he had desired them, therefore, to act as if the Spaniards had consented, and that effectual means should be used to the obtaining it, provided that their first *Postulata* should not be prejudiced, and that the Preliminaries should be assured; the French said that they had already made their reflections upon the first, and that as to the latter it was already agreed on, and they looked on it as *une chose dite et faite;* the conclusion was that the French promised to give in their Project on Saturday.

"The Mediator acquainted the Congress that Baron Stein, joined in commission with Mons. Schrottenberg from the Circle of Franconia, had notified to him his desire of being received into the Congress, which was accordingly consented to." (XVI. 41–42.)

"Saturday the 13th [N.S. July]. At Ryswick.—The French told the Mediator that they intended to give in their Project with all the speed they could; they did not think it could be done by Wednesday, but they would at least endeavour it."

"Tuesday the 16th [N.S. July].—Mons. Plessen notified to the Ambassadors here that the Princess was brought to bed the 28th past at Copenhagen of a son, who was baptized the same day by the name of Christian."

"Wednesday the 17th [N.S. July]. At Ryswick.—The French promised absolutely to give in their Project on Saturday entire, if possible, at least to the greatest part of the Allies; the Dutch gave in their pretensions to the French."

"Thursday the 18th [N.S. July].—Mr. Prior gave in a copy of the Project of Peace to the Mediator, adding that as to the private article the Dutch Embassy were in negotiation with the French, and that as to what related to the French *réfugiés* the English Embassy would act conjointly with the Ministers of the other Protestant Princes, which was the reason that nothing relating to these two articles was found in the Project; as for the rest it was entire, and in the language that it was given in to the French. The Mediator said he was very much obliged to their Excellencies for this communication, which he should make the best use he could on for His Majesty's interest and their service, that he was satisfied with the reason of its not going through his hand, but that he had already by express order from his Master insisted upon His Majesty's title and interest in all conferences he had had with the French, and that he should always continue to do so, which he enjoined Mr. Prior very expressly to signify to their Excellencies." (XVI. 47–48.)

"Friday the 19th [N.S. July].—According to the substance of a letter which Mr. Prior received from Mr. Blathwayt, dated the 17th, the Lords Ambassadors had a conference with the Pensioner at his own house at four, afternoon, after which they likewise conferred with the Imperial Embassy at six; the substance of this conference was that according to the desire of the Imperial Embassy the Lords Ambassadors had written to His Majesty to know the substance of what had passed between the Earl of Portland and the Marshal de Boufflers in Flanders, and that His Majesty returned for answer, that he ordered the Earl of Portland in His Majesty's name to declare that, since France had taken pains to make the world think that His Majesty was not really designed to make the peace, he should think himself obliged to justify himself in that point to all the world, and that he desired nothing more than a peace, provided it might be just, honourable and such a one as might last, and that he took this occasion to know the reality of the King of France's designs on the same subject; that the rest of the discourse was occasional, and several things were mentioned in it that related particularly to His Majesty; in answer to what my Lord Portland had said the Marshal de Boufflers in a second conference said that he had order from the King his Master to declare that that Prince was glad to find that His Majesty was so well inclined towards the peace, that he was very sincere in his intentions, and had given

such orders to his Ambassadors at Delft on this subject as would evidence what he (the Marshal de Boufflers) then said."

"Saturday the 20th [N.S. July]. At Ryswick.—The French gave in their project to the Mediator, and said that if an explanation of any article might be required or the sense of it to be treated on, they were ready to contribute to it; and that, if any objection might be raised to any particular phrase or expression in it, they were willing to alter it; they added that it might be declared that they came with a design of making the peace, and that they hoped the Allies on their side would contribute all they could to the same end."

"Wednesday the 24th [N.S. July]. At Ryswick.—The Mediator said to the English Embassy that, though they were not immediately concerned in the Project, he thought himself obliged to communicate to them what was done; he added that he desired their opinion upon it; he said that the French had pressed him the last conference-day to fix the last of August as the utmost time that their Master should think himself obliged to stand to as to the performance of the articles of the Project, that he (the Mediator) was afraid he should scarce have credit enough with them to make them any longer defer the sitting this time, though the Imperialists very earnestly desired it. The English Embassy said that they thought it was not time now for France to pretend to act thus with the Allies, and desired him to continue to use his interest that they should still defer this peremptory way of proceeding.

"N.B.—The French had fixed the time in the beginning of the Project, which they first gave to the Mediator, which they altered upon his desiring it.

"The Imperialists having acquainted the Mediator with the method in which they resolved to answer the French, which was to receive or to make their exception against every article as it lay, the Mediator likewise informed the English Embassy that he had communicated this resolution of the Imperialists to the French." (XVI. 50–53.)

"Saturday the 27th [N.S. July]. At Ryswick.—The Mediator told the Allies that he had imparted to the French the method that the Imperialists were resolved to take in the answer they intended to make to the French Project, and that thereupon the French desired them to make all possible haste, and reiterated their intent of making a sure and a speedy peace. The Mediator gave the Allies Baron Schonbourn's [*sic. i.e.*, Schönborn's] powers; Count Kaunitz received them in the name of the Congress, and gave them to Mons. Norff, who read them."

"Monday the 29th [N.S.] July.—The French having desired Mons. Dyckvelt to get an explanation of the 4th and 6th articles of our Project, Mr. Prior drew it up upon what the Embassy thought proper the day before at a conference at my Lord Pembrook's, and gave it to my Lord Pembrook,

and his Excellency gave it to Mons. Dyckvelt; it was as followeth :—

'4 Art.'

'Il est convenu qu'une satisfaction et réparation entière sera faite de part et d'autre pour les dommages et injures que les sujets des susnommés Seigrs. Rois se sont donnés ou causés les uns aux autres avant la déclaration de la présente guerre. (*Cf.* pp. 545 *et seq.*, *infra.*)

'Eclaircissement.'

'1683. Le 14me d'Aoust les François habitants de Canada envahirent le territoire de la Compagnie de la Baye de Hudson dans l'Amérique Septentrionale au Port de Nelson par ordre de Mons. de la Barre, Gouverneur de Canada, brûlèrent leurs maisons, se saisirent de leurs biens et emmenèrent avec eux prisonniers le Gouverneur de la Compagnie et autres.

'1684. Les François firent encore un tentative sur le Port de Nelson avec deux navires sous le commandement de Mons. d'Olmond, et firent des dommages considérables.

'1685. Les François à leur retour vers Canada se saisirent d'un navire appartenant à la dite Compagnie, lequel ils mené [*sic*] avec eux en Canada.

'1686. Les François sous le commandement de Mons. de Troyes prirent et démolirent trois de leurs factoreries, à sçavoir, les forts d'Albanie, de Rupert, et celuy dans la Rivière de Moose; prirent trois navires appartenants à la Compagnie, comme aussi quelques milliés [*sic*] de pelteries.

'1687. Mons. d'Iberville prit dans l'Isle de Stretton dans la Baye de Hudson la chalouppe nommé la *Hayes* avec toute sa cargaison.

'1688. Les François se saisirent de trois navires, le *Churchill*, le *Young* et le *Husband*, et firent prisonniers divers Anglois de la dite Compagnie.

'Les sujets du Roy l'Angleterre furent aussi incommodés

dans leur commerce par les François dans la Rivière de Gambia et autres adjacentes dans l'Afrique dans les années 1687 et 1688.

'1689. Les François de Canada surprirent la ville de Schenecstedy à 5 lieues d'Albanie, en firent prisonniers les habitants, brûlèrent la ville après l'avoir saccagée.

'6 Art.'

'Tous les François habitants et demeurants dans les Royaumes ou Domaines de Sa Majesté le Roy de la Grande Bretagne, et tous autres sujets de Sa dite Majesté qui ont des terres, ou autres biens en fond dans les Royaumes et Domaines de Sa Majesté Très Chrétienne, auront et percevront sans aucun trouble ou empêchement les fruits et revenues des dites terres et autres biens ; et tous ceux d'entre eux qui sont ou qui ont été emprisonnés ou retenus de quelque manière que ce soit, pendant cette guerre, auront liberté entière de revenir dans les Royaumes de Sa Majesté Britannique.' "

'Sous le nom de François sont compris les Protestants Réfugiés dans le Royaume de Sa Majesté Britannique ; sous le nom des autres sujets de Sa Majesté nous comprenons tous ceux d'entre eux qui avoient des biens en France.

'Sous le nom d'emprisonnés ou retenus, nous comprenons les François sujets de Sa Majesté qui ont été pris par mer ou par terre, et nommément quelques uns qui, gagnant leurs vies par la pêche sur les côtes d'Angleterre y ont été enlevés, et sont détenus présentement ou aux Galères, ou emprisonnés ailleurs.' " (XVI. 53–57.)

" Tuesday the 30th [N.S. July].—The Imperial Embassy desired a conference with the English, which they had thisafternoon at my Lord Pembroke['s] ; the subject of it was to desire an account of what passed at the conference which the Earl of Portland had last Friday with the Marshal de Boufflers ; my Lords Ambassadors told them that it was concerning His Majesty's particular affairs, as to which France was in a fair way of giving him satisfaction ; that His Majesty therefore desired the Allies to dispatch as much as possible their resolution towards concluding the negotiation one way or other."

" Wednesday, the 31st [N.S. July]. At Ryswick. The Mediator told the Allies that he had entertained the French upon the Project, and the remarks that the Allies designed to make upon it ; that the French desired that they would make haste in giving these remarks in, which they were ready to receive, and they said they did not [wish] to prescribe them any time for it, but that they wished it might be done by the Saturday. Mons. Smeteau [Schmettau], Ambassador from

Brandenbourg, represented that the French having no *pleinpouvoirs* to treat with their Master, they could not go on in the negotiation ; they therefore entreated the Allies to repeat their good offices to the Mediator to the end that he might persuade the French to procure the *pleinpouvoirs* desired."

"Thursday the 1st [N.S.] of August.—The English Embassy were at the Pensioner's with that Minister, the Dutch Ambassadors Dyckvelt and Haren, to consult of what means would be properest to advance the negotiation ; it was agreed that it should be represented to the Imperial Embassy how absolute a necessity there was of dispatching this business, and to desire them to get their remarks ready for Saturday, as likewise to omit inserting anything in them that there was not a probability of obtaining. My Lord Pembroke and Mons. Dyckvelt were desired to visit the Imperialists on this subject, which accordingly they did the next day."

"Friday the 2nd [N.S. August].—The Imperialists assured them that they would do their endeavour that their remarks should accordingly be ready."

"Saturday the 3rd [N.S. August]. At Ryswick.—The Imperialists told the Mediator that the Ministers of the other Princes of the Empire had given in their remarks upon the French Project only the day before, which was the reason that they could not be ready with theirs, but that they would prepare it with all possible speed.

"The same day the Earl of Albemarle and my Lord Villiers went to Breda to meet the King there at night ; the latter being sent for by His Majesty to give him an account of the state of the negotiation here."

"Sunday the 4th [N.S. August].—The Earl of Portland came hither from Breda ; the design of his journey was to tell the Allies, and more particularly the Imperialists and Spaniards, what had been the result of those conferences which His Lordship had lately in Flanders with the Marshal de Boufflers ; he likewise told them that His Majesty was of opinion that it was for the interest of the Low Countries that an equivalent should be taken for Luxembourg." (XVI. 57–60.)

"Monday the 5th [N.S. August].—My Lord Villiers returned to The Hague."

"Wednesday the 7th [N.S. August]. At Ryswick.—The Mediator told us that the day before he had communicated to the French the Imperialists' remarks upon that Project, and had been with them that morning to receive their answer to it, that they had said that it was too long for them to make their reflexions upon so soon, but that they would do it by the next Congressday, though in looking over it they said they had found many particulars to object against, which they would digest and give in on Saturday.

"The Mediator offered a *pleinpouvoir* from the Bishop of Hildesheim, but he not being in the Grand Alliance, this Minister was not admitted. The Allies spoke again to the

Mediator to use his interest with the French Embassy to procure a particular *pleinpouvoir*, whereby they might treat with the Elector of Brandenbourg."

"Thursday the 8th [N.S. August].—" The Imperial Ministers had an audience of us at the Earl of Pembrook's this morning to acquaint us with what the Earl of Portland had by His Majesty's command told them of what passed with Boufflers :—

'That the King was of a mind to accept of an equivalent for Luxembourg ; that he would *appuyer* it towards the King of Spain.

'That this change of mind had astonished them, they could not but represent with desire to have it transmitted by us to the King, etc ;

'That the four Electors of the Rhine were undone if Luxembourg rested in the French hands ; that the Elector of Brandenbourg desired them everywhere to name his Master, as one that would be concerned in it ;

'That their votes could never be free in the Diets, in the election of an Emperor ;

'That the right of protection of the archiepiscopal church of Trèves belongs to the Duchy of Luxembourg, and when it comes to be vacant, as this is an old man, the Church will be in awe of who ever has Luxembourg ;

'That Luxembourg is of the patrimony of the House of Austria (the Emperor bears the title) ; is of the body of the Empire (four or five Emperors were of that House) ; that it has a treaty of indiginity [*sic*] with the King of Bohemia, which shows it is of the Empire.

'That this Duchy, as also that of Brabant, together with the Marquisate of Saint Empire and several of the Spanish provinces, are in the feudality of the Empire, as the Pays d'Alost in Flanders, and La Flandrie Impériale, are of the feudality of the Empire.

'That therefore the King of Spain is not solely the lord of it whose will and consent is to govern this matter ; that it cannot be alienated without the consent of the Emperor and Empire, and the Emperor is resolved never to make a peace without its restitution.

'To all this, that the King had said to Count Caunitz, that if the Emperor stood as stiffly upon Strasbourg as he would do on Luxembourg, he doubted not but they should have both.

'That the Pensioner had heretofore said that, if France would restore all taken in the Spanish Netherlands, together with the County d'Artois, nay, and part of Picardy, it could not be an equivalent for Luxembourg." (XVI. 60–63.)

"Saturday the 10th [N.S.] August.—Mons. Bosen and Baron Steinberg were with the English Embassy in the name of the Electors and Princes of the Empire upon the same subject as the Imperialists were on Thursday ; they gave

my Lord Pembroke the copy of a paper which they had given to the Spanish Embassy, and which they desired might be transmitted to the King when the English Embassy wrote to His Majesty."

"Saturday the 10th [N.S. August]. At Ryswick.—The Mediator told the Allies that the French said they were ready to enter into the way of treating by conference, or into any other which should be judged most necessary to bring the business of the peace to a conclusion, and they desired that the Allies will contribute to the like dispatch.

"The Pensioner's plenipotentiary's powers were read and he, though not present, was esteemed to be for the future a Minister of the Congress."

"Monday the 12th [N.S. August].—Mr. Prior gave the Imperial Embassy a copy of the English Project of Peace, giving them at the same time to understand their reason why the Separate Article was not therein inserted. Count Kaunitz returned the compliment of the Imperial Embassy, and said they were mightily obliged to their Excellencies the English Ambassadors for this communication."

"Tuesday the 13th [N.S. August].—My Lord Villiers gave Mr. Prior the remarks which the French had made upon our treaty as they were written in the Pensioner's own hand; these remarks are copied and joined to the Project; and the original was sent back to the Pensioner."

"Wednesday the 14th [N.S. August]. At Ryswick.—The Pensioner assisted for the first time at Ryswick; the Mediator told the Allies that the Imperialists and the French had agreed to enter into conference, in order to their hastening the negotiation, and that they had chosen Friday for their first meeting in that way. Mons. Vehlen['s] *pleinpouvoirs* were read, and he accordingly owned as Ambassador from the Elector Palatin." (XVI. 63–67.)

"Thursday, August 15th [N.S.].—Being with the States' Ambassadors to give in our answer to the French Ambassadors' remarks on our Project as to the point of a treaty of commerce, and that it had been desired or proposed by the French and not by us; after much speech had with the Ambassadors as to that circumstance, and of the reasons we had, that it should appear that it was of their proposing to have a treaty of commerce and not of ours, the Pensioner said we ought to put in our protocol, that lorsqu'eux [*sic*] les Ambassadeurs des Etats avoient donné nostre Project à ceux de France, ceux-cy, ayant leu le project, avoient demandé, si l'on ne voudroit pas faire un traité de commerce: les Ambassadeurs de Hollande répondoïent qu'ils ne croyent pas que nous fussions présentement prest, mais qu'il seroit mieux de le renvoyer à des commissaires, à quoy les Ambassadeurs de France ont consenti."

"Saturday the 17th [N.S. August].—The Mediator told the Allies he had nothing to lay before them but what had passed

the day before between the Imperialists and the French, and between the Spaniards and the French that morning, which, he supposed, the parties had given them an account of; we were informed that the Imperialists had gone through their whole Project without agreeing any article except that of Phillipsburg; the Spaniards agreed the affair of their contributions, and seem to come nearer to an accommodation; they did not see the French because of the dispute about place; the Mediator and the Dutch Embassy went between the two parties."

"Tuesday the 20th [N.S.] of August.—Mr. Prior received from Mr. Blathwayt His Majesty's pleasure concerning the remarks the [French] had made upon the Project, which was in general an approbation of an answer their Excellencies had given; and their Excellencies from these orders commanded Mr. Prior to draw up a memorial in favour of the French Protestants to be given to the Pensioner, as likewise the draft of an article.

"The Earl of Pembroke marked that the Pensioner said—'On dressera un article pour ouvrir le cours de la justice aux particuliers réciproquement, de laquelle (justice) la guerre a interrompu le cours.'" (XVI. 70-73.)

"Wednesday the 21st [N.S.] of August.—Mr. Prior delivered to the Lord Pembroke the memorial about the French Protestants, the article just now mentioned, a deduction of His Majesty's rights to Hudson's Bay, a memorial of Duke Schonburg's losses and pretensions, and another of the Duchess of Hamilton's titles to the Duchy of Chastel Herault, which papers the Pensioner gave in to the French."

"Wednesday the 21st [N.S.] of August. At Ryswick.—The Mediator gave in a *pleinpouvoir* for Mons. Chantereyne, Plenipotentiary from Lorraine, who was accordingly admitted in the Congress; he told the Allies that for the greater dispatch of business the French desired that they might meet every day; it was agreed that we should meet the next day, and that we might then determine if we should continue to do so; we likewise resolved that the ordinary meetings should be continued, and that on Saturdays we should meet at three o'clock, afternoon, the days growing short. The Dutch Embassy retired into the great room with the English; they told us the objection which the French had made to our late answer, and delivered to us a paper containing the rights which the French pretend to have upon Hudson's Bay."

"Thursday the 22nd [N.S. August].—The Elector of Mayence gave us a *pleinpouvoir* for two deputies from Mayence. The Congress had news that Mr. Boreel died the night before."

"Saturday the 31st [N.S.] of August. At Ryswick.—The Mediator came into the chamber of the Allies, and made an harangue to this purpose: that he asked this audience to let them know that affairs were so ill that he did not see how

they could be concluded with credit ; that the height an[d] *opiniâtreté* of the French was the occasion of it ; but that others were not wholly blameless ; that he foresaw that the French would offer new conditions next day ; that therefore he desired their Excellencies to consider if there was anything to be done at present, provided it were not separately ; that as to his own part he had executed the orders of the King his Master. though may be not so well as another might have done, yet at least with as much zeal and fidelity ; he therefore desired them to take care that the mediation might suffer no affront ; upon which he hoped they would [make] a seasonable reflexion, nor he had no reason as yet to complain of anybody, but on the contrary was satisfied with each in particular.

" Hereupon the Imperial Embassy with those of the Empire and the rest of the Allies conferred together. Don Quiros said that the King his Master had entered into the war for the good of the Allies in general, and had more particular engagements with the Emperor ; that he would always give satisfaction to these obligations, but that the war have informed [*sic*] upon the Monarchy of Spain, so as to reduce them to receive the peace of Nimègue instead of that of the Pyrenees ; and France threatening them with the sieges of Oudenarde and Terragone, the Spaniard neither having forts nor force to hinder the kingdom from being put under contribution, he thought there was a necessity of closing with things as they were possible to be had, and that his signing the Treaty would not hinder the King his Master from continuing in his alliances. The Pensioner of Holland pursued : ' it was true,' he said, ' that the affairs of England and Spain and Holland were brought so near a conclusion that he hoped to have perfected them as this morning, if those of the Emperor and Empire had been more advanced, and that for them he thought they might have had a reasonable time allowed to have come in ; that he had reasoned with the French to this end, but could get no other answer than that their orders were contrary to it, and that the next day they would let the Allies know the further orders from France ; that he, the Pensioner, had thereupon answered that they could not sign without procuring time for their Allies, and that in a negotiation so considerable they must have time enough to send not only one but many expresses ; that he could get no other answer from the French than the former ; that the Dutch Embassy had therefore left them with a resolution not to sign their treaty, which therefore they desired the Mediator should know.' This Count Caunitz took upon him to do, desiring the Mediator to continue his good offices ; that all the Allies in general had a mind to a peace, and that the Imperialists desired the conclusion of it, provided it might be sure and reasonable.

" The Mediator began with the points in dispute between France and the Empire, viz. Strasbourg, Alsace and Lorraine.

Count Caunitz answered that the declaration he had made [was] concerning the Allies in general, that after these points they had nothing new to offer ; but that, if the French would have been reasonable, they would have hearkened to what was offered the day before. The Mediator hereupon went to the French, returned, and told the Allies that those Ambassadors referred still to their orders, and that it was the King their Master that would answer to the consequences of them ; that before the time was expired, they would sign with any of the Allies that should be ready ; that the Mediator had said to them that there was no thought of bringing about anything of this kind, and that, since the French would not be treatable, he must take his leave of them, which he therefore did, protesting before God and man that it was in no way his fault that the negotiation was broke off. As he was going out of the room, Mons. Harley [*sic. i.e.*, Harlay], taking him by the hand and retaining him, said :—' Aussy, Monsieur, nous ne nous couperons pas la gorge l'un à l'autre demain, si Messrs les Alliés se trouveront encore icy ' ; desiring the Mediator to oblige the Allies to another meeting, which he promised to use his endeavours to bring about, and effected, so that it was resolved on for the next day, three, afternoon."

Sunday the 1st [N.S.] Sept.— " The Mediator, having been some time with the French, brought from them the new proposal ; he excused his bringing it, and said that an equivalent for Strasbourg was contained in it. The Imperialists made some difficulty in the receiving it, and said that the reason why they consented to have it read was in deference to the Mediator, for that they would refuse nothing from his hand, for they agreed to have it read and returned back again to the French ; which was accordingly done. The Mediator desired that the Congress might continue to meet on the ordinary days." (XVI. 82–86.)

" Wednesday the 4th [N.S. Sept.]. At Ryswick.—The Mediator brought three *pleinpouvoirs*, one for Hetterman from the Elector Palatin, one for Plettersdorff from Prince Lewis of Baden and the third for the Baron Snolski from the King of Sweden as Prince of the Empire : this latter did not intend to assist at the Congress, but only at the deputation from the Empire when it met at The Hague. The Mediator desired we should continue our meeting ordinarily in case anything might happen."

" Saturday the 7th [N.S. Sept.]. The Congress at Ryswick.—

" Baron Saffig['s] *pleinpouvoir* was read, and he acknowledged Ambassador and Plenipotentiary from the Elector of Trèves.

" The Mediator told the Allies that, the time running on very fast towards the 20th, the French had desired that matters of less consequence might be adjusted in order to give them more time for settling the greater points in case they should come to any conclusion."

"Tuesday the 10th [N.S. Sept.].—My Lord Villiers went from hence to Soesdyck to represent the state of our affairs to His Majesty. His Excellence had with him a short memorial concerning the points not yet adjusted, papers relating to Hudson's Bay, and those concerning our Russia trade."

"Wednesday the 11th [N.S. Sept.]. At Ryswick.—

"My Lord Pembroke was alone at the Congress, Lord Villiers being absent and Sir Joseph Williamson indisposed. His Lordship told Mr. Prior that nothing was done there, though they stayed till two o'clock."

"Friday the 13th [N.S. Sept.].—My Lord Villiers, returning from Soesdyck, brought His Majesty's opinion relating to the four points contained in the letter their Excellencies wrote to His Majesty, August the 30th.*

"His Majesty agrees to it.	"1st. If the Irish prisoners taken on board French ships (of which the list was sent) may be exchanged for French taken on board English ships.
"His Majesty is satisfied that it should be so.	"2nd. If the right and title to the forts in Hudson's Bay is to be referred to Commissioners, the present possession being yielded to the French.
"The King consents to promise that she shall have whatever she has a legal claim to, but the treaty not to break off on this point.	"3rd. How far His Majesty will engage his word without entering into an article as to a settlement to be made for the late King James' Queen.
"To be referred to the same Commissioners that are to decide the title of Hudson's Bay.	"4th. What answer to be made as to the 150,000 *livres* in the case of the Commandant which the French require to be made good to them.
	"My Lord Villiers asked His Majesty's opinion in relation to the following points :—
"The King consents to it.	"If points of less consequence should be adjusted before the greater.
"This is left to the judgment of the Ambassadors.	"In the preamble mention is usually made of the *plein-pouvoirs* on each side mutually exchanged : what sort of *plein-pouvoirs* from the French may be judged necessary ?

* *Cf.* p. 155, *supra*, and pp. 547-8 *infra*.

" We are to act conformably to the rest of the Allies, since the Empire will have finished their Treaty before this point will be handled.

" How we are to act in the guarantee of the Duke of Savoy's Treaty."

" Thursday the 12th [N.S. Sept.].—His Majesty saw the Czar at Utrecht in a public house, where he lay *incognito*, having first given audience to the Muscovitish Embassy." (XVI. 86–89)

" Saturday the 14th [N.S.] Sept. At Ryswick.—

" The Mediator desired the Allies to come again the next day, for that something might happen, though at present he had nothing to trouble them with."

" Sunday the 15th [N.S. Sept.]. At Ryswick.—

" The Mediator addressed himself to the Allies to ask their pardon that he had desired them to meet, having nothing to lay before them ; he said he had been three hours in conference with the French, but could no way make them recede from their proposal of the first of this month ; however, he desired the Allies to meet again the next day. The Imperialists desired him to let them know if anything might be done the next day, otherwise they desired to be excused from coming ; they added that they would be sure to come as usual on the ordinary days, and the next day too, if they were advertised that anything might be done."

" Monday the 16th [N.S. Sept.]. At Ryswick.—

" The Spanish, Dutch and English only were there. The Spaniards made an end of their affair so as to be ready to sign with the rest of the Allies. We likewise adjusted the points remaining in dispute, which were chiefly that of Hudson's Bay, and that of the settlement upon Queen Mary. Mr. Prior was ordered to draw up an article to prefer the title of Hudson's Bay to the Commissioners. The point of the settlement was concluded, that the Mediator should pronounce the following dictature to the French, and give them a copy of it, having first inserted it into his own protocol.

" The Pensioner sent it the next day to Loo for His Majesty's approbation, my Lord Villiers having writ to my Lord Portland upon the same subject."

" 16th [N.S.] Sept., 1697.

" It was urged by the Ambassadors that the pension to Queen Mary should be withdrawn, if it were found that any cabal or secret intrigue were carried on by her or the late King James. The French Ambassadors would not consent that this condition should be mentioned in the dictature, but they said *que cela étoit toujours*

" Memorandum :—

" Messieurs les Ambassadeurs du Roy d'Angleterre ont déclaré que le Roy leur Maistre a promis, que la pension annuelle d'environ cinquante mille livres sterling, ou de telle somme quelle se trouvera établie par Acte du Parlement et scellée du grand seau d'Angleterre, en faveur de la Reine Marie d'Esté, sera payée à l'avenir confor-

sous-entendu, et que nous aurions le pouvoir entre nos mains."

ment au dit acte, et qu'ils consentent, que Mons. l'Ambassadeur Médiateur le fasse insérer dans son protocol, et en donne copie autentique a Messieurs les Ambassadeurs de France, en présence des quels, ainsi que de Messieurs les Ambassadeurs des Etats Généraux la dite déclaration a été faite."

"The Dutch are to meet to-morrow to adjust their own concerns and to regulate the proceeding of the whole affair in general."

"Tuesday, the 17th [N.S.] Sept., 1697.—Their Excellencies had a conference at the Earl of Pembroke's house. Mr. Prior read to them an article which he had drawn up for Commissioners to adjust the business of Hudson's Bay; they ordered him to get it transcribed, in order to their giving it to the Pensioner to adjust with the French; they looked over the Treaty as to the placing the articles, and commanded Mr. Prior to draw up a letter to His Majesty, which was accordingly sent away by an express that night."* (XVI. 89–92.)

"Sept. the 20th [N.S.].—The English, Spanish and Dutch Embassy went about 12 at noon to Ryswick, where the French and the Mediator were already.

"My Lord Villiers gave Mr. Prior the *brouillon* of an Act by which the King of England promises the ratification of the Peace in its due time, as likewise of those to be made with the King of Spain and the States General as far as His Majesty's good offices may prevail. This Act was written fair and returned to their Excellencies.

"Lord Villiers gave Mr. Prior two articles in French, one for comprehending the Duke of Savoy in the Treaty, the other in favour of the Elector of Brandenbourg, that a treaty made between the King of France and the old Elector, the 29th of June, 1679, should be included in our Treaty. These two articles were translated into Latin as they stand in the Treaty, No. 14 and 15.

"The next thing was concerting the Separate Article†, which was likewise translated from the copy in French received from the French Ambassadors into Latin as it stands.

"About 6, afternoon, the French sent us their articles as they had minuted them in their own language, each article in a loose sheet; the Earl of Pembroke compared them with the Latin, Mr. Prior reading the French; in the Article of Orange there appeared some difference, upon which their

* *Cf.* p. 163, *supra.*

† Providing for the validity of the Treaty without the Emperor's assent, unless he should make peace with France within a specified time

Excellencies had recourse to the Pensioner, who went in again thereupon to the French, and about an hour and half after informed the English Embassy that he had adjusted that affair; in the article *Et quoniam* was only changed to *Et in quantum*, and the three last lines relating to the ministers of Orange were omitted: the articles being thus adjusted were writing [*sic*] over. The preface or preamble was the next thing in agitation. We had understood from the Pensioner that the French would acquiesce in our having the same preamble which the Spaniards had, *mutatis mutandis*. Mr. Prior therefore translated this preamble into Latin, but the French excepted against it. The reason they gave for their so doing was that it did not come close enough to the occasion; at the same time they sent us something which they called the model of a preamble; it was extremely dry and imperfect; we objected against it and returned it back to them, alleging that it did not mention the Mediator with sufficient respect, nor once named the late King of Sweden, under whom the negotiation began. About ten at night the French sent us another model, which their Excellencies accepted and Mr. Prior translated as it stands before the Treaty. About eleven the Dutch signed their Treaty of Peace and Commerce; the Spaniards signed theirs about an hour after; and about twelve the English went in order to the signing theirs. The place thought fit by the Mediator instead of the great room was a little chamber in the inner part of his own apartment; the three French Ambassadors sat on one side of an oval table, as the three English did on the other; the Mediator sat at the end of the table; the Dutch were present; the Pensioner and Mons. Dyckvelt sat on the English side, and Mons. Haren on the French side between them and the Mediator. The Earl of Pembroke delivered the Treaty in Latin to Mons. Harlay, who delivered it to my Lord in French. Mons. Harlay read the Latin aloud, my Lord Pembroke collationing it [the French] with the Latin; the same was done with the Secret Article, and they proceeded to the signing, we our part as it was in Latin, and they their part as it was in French, till, the copies being taken fair, both parties might sign the same instrument; this was done about three in the morning.

"As soon as the Treaty was signed, Mons. de Harlay made a compliment of the joy the French Embassy had to acknowledge His Majesty's title in the manner they had done, and added, addressing himself to the English Embassy, that there was all the hope imaginable that the friendship between the Ambassadors themselves would be lasting, since it began on so happy an occasion as that of their signing a peace together. Lord Pembroke answered the compliment, and the Mediator, after having wished both parties joy, read the Dictature by which His Majesty promises that the Queen in France shall have whatever she

can have any legal pretension to by Act of Parliament, or under the Great Seal, the whole of which might amount, it was thought, to 50,000*l.* sterling per annum. The French desired that the Dictature might be inserted into the Mediator's protocol, and that they might likewise have a copy of it. Then Mons. de Callières penned, read and delivered to the Mediator a declaration that in case that part of the Treaty of Breda which the French took with them should be found to be in Latin, and not in French as they allege it was, they would withdraw this, which they had signed in French, and change it for one in Latin before the ratification.

"They parted, the English retaining the part of the Treaty which the French had signed minuted in their language, and the French retaining the part of the Treaty which the English had signed minuted in Latin; the like reciprocation was observed as to the Separate Article." (XVI. 94–99.)

"Mr. Prior embarked, the 20th, on a vessel he had hired on purpose for his transport into England; he landed the 23rd, afternoon, at Lastof, in Suffolk, and arrived, the 24th, afternoon, at Whitehall; he delivered the letter to Mr. Vernon, and left the copy of the Treaty in his hands; he paid his duty the same day to all the Justices then in town, each at his several house, viz., my Lord Archbishop of Canterbury, Lord Chancellor, Lord Orford and Lord Rumney, and the next morning to my Lord Sunderland, who came to town but the night before."

"Thursday the 26th [N.S. Sept.].—The Lords Justices met, they ordered a letter to be written to the Lords Ambassadors at The Hague and to be delivered to Mr. Prior, to whom they gave a present of two hundred guineas, and commanded the *Centurion* to bring him back to Holland. Accordingly Mr. Prior embarked the same night and arrived in Holland on Saturday the 28th."

"Saturday the 21st [N.S. Sept.]. At Ryswick.—

"The English, Spaniards and Dutch were there with the French and the Mediator in order to the signing the Treaty in form, of which they had signed the minutes the night before. Whilst the French were busy in writing their part of the Treaty fair, Mr. Swinford by my Lord Pembroke's order drew up a *mémoire* by which the French promised to give their part of the Treaty in Latin at the ratification, provided it was so practised at Breda, and promised likewise to release the French Protestants taken upon English ships, and the four ministers of Orange; this *mémoire* was entered into the protocol of the Mediator, and an authentic copy of it, signed by the Mediator, was given to their Excellencies. Mr. Swinford likewise drew up another *mémoire* on our part, that we should release the Irish taken on board French ships, which the Mediator entered into his protocol, and gave the French an authentic copy of it. (N.B.—The Mediator gave these copies the Wednesday following, *i.e.*, the 25th.) The

Secretaries of both parties having collationed the Treaties in the presence of the Secretary of the Mediation, the Spaniards, the Dutch and the English signed separately, one after another in the same apartment in which they had signed the minutes the night before, the English about one o'clock in the morning, the Dutch being present. The Mediator signed first, and then gave the Latin Treaty to the English Ambassadors, who signed it in the second column, and gave it to the French, who signed it in the third; this order was observed *vice versa* with the French copy on our side; the Secretaries of both parties put the seals to the Treaties. The French Ambassadors in the meantime looked over the English *pleinpouvoirs*.

"The Mediator read the Dictature concerning Mary d'Este in France, and gave a copy of it to Mons. de Callière[s], after which they parted.

"N.B.—The English and French signed the Separate Article likewise, but only alternatively, as they had done the night before, each party taking one part of the instrument. That, therefore, which the French signed and delivered to us was in the French language, and that which we signed and delivered to them was in the Latin, but this Article was not signed on either side by the Mediator.

"Whilst the Treaties were this afternoon preparing on either part in order to their being signed, endeavours were made to bring the Imperialists to consent to a cessation of arms on the Rhine, which the French offered *sub spe rati*, and declared that they did not doubt but that their Master would consent to it. Don Quiros therefore wrote a *billet* to Count Kaunitz at The Hague upon this subject; Count Kaunitz insisted in his answer upon having the declaration positive, and though this answer did not positively reject the proposal, it was not full enough to have anything concluded upon it then.

"My Lord Villiers immediately on his return to The Hague went express to Loo and carried the Treaty to His Majesty." (XVI. 102–106.)

"Sunday the 22nd [N.S. Sept.].—The Ambassadors and Plenipotentiaries of the Emperor and Empire agreed to a cessation of arms with France; accordingly a courier was dispatched to Prince Lewis of Baden."

"Tuesday the 24th [N.S. Sept.].—My Lord Villiers returned from Loo; a duplicate of the Treaty having been dispatched for England with warrants for affixing the Broad Seal to an instrument of ratification in order to its being returned hither for His Majesty's signing."

"Wednesday the 25th [N.S. Sept.].—The Imperialists had a conference with the French about the equivalent for Strasbourg and the business of Lorraine.

"The Mediator gave us and the French authentic copies of the *mémoires* drawn up the Saturday before."

"Thursday the 26th [N.S. Sept.].—My Lord Villiers paid his first visit to the French at Delft with two coaches-and-six, my Lord Townsend, Mr. Asch, Mr. Onslow and other English gentlemen accompanying His Excellency."

"Saturday the 28th [N.S. Sept.].—Mr. Prior returned from England."

"Sunday the 29th [N.S. Sept.].—The French returned my Lord Villiers' visit; Mons. de Harlay, with two coaches-and-six was accompanied by Mons. Harlay, his kinsman, and other French gentlemen. Mons. de Crescy and Mons. de Callière[s] came together with two coaches-and-six; they visited my Lord Pembroke and Sir Joseph Williamson in the same order."

"Friday the 4th [N.S.] Oct.—My Lord Pembroke paid his visit to the French at Delft with two coaches-and-six, English gentlemen accompanying him. His Excellency presented Mr. Prior to the French Ambassadors."

"Tuesday the 8th [N.S.] Oct.—"Their Excellencies paid their visit to the Muscovite Embassy with six coaches and six horses; the visit was only ceremonial, concerning the general friendship which the two nations desired might be established. Mons. Lefort, the first of the Muscovite Embassy, insisted upon His Majesty's praises, and the great satisfaction had in the interview he had had with the King.

"The same night a copy of the Treaty with a form of ratification, and our *pleinpouvoirs* were sent to Loo, the whole fairly written out in order to its being signed with the Signet in case the instrument under the Broad Seal should not come time enough from England; this was done in conformity to His Majesty's orders, intimated to Mr. Prior in a letter from Mr. Blathwayt of the 5th October."

"Wednesday the 9th [N.S. Oct.].—Their Excellencies agreed with the French that all fishery should be free in what seas soever notwithstanding the prescriptions in the 10th article.

"This Act, being thought by their Excellencies to be of no great use to us, was not exchanged; so this Act, though it was signed by their Excellencies, was kept in the hands of Mr. Prior." (XVI. 106–109.)

"Friday the 11th [N.S.] Oct. At Ryswick.—

"Their Excellencies went to Ryswick in order to exchange the ratifications, we having received that under the Signet the day before, and their Excellencies having this morning been in conference with the Pensioner and Ambassadors of the States in order to their proceeding conjointly in what regards France's ratifying with Spain before the Dutch or we exchanged our ratification. The French had their ratification ready engrossed with their Great Seal in a silver box in ample form; we collationed ours signed by the Signet with the Treaty as their Excellencies signed it the 20th September, and they made no objection as to the form of the ratification; their whole Treaty and ratification was perfect, except that in the eighth article relating to Hudson's Bay, the place,

Londini, and the spaces of time, *trium mensium* and *sex mensium*, was [*sic*] omitted ; of this the Secretary was to speak to his superiors, and Mr. Prior did or should have mentioned it to his. The instruments, by consent of each party, were left in the Mediator's hand till we should receive ours under the Great Seal from England to exchange with them, and the ratification to be reckoned good and valid from this present day. The French had also the Separate Article engrossed and ratified and sealed in as ample form as the Treaty ; they expected we should have the like to exchange with them, though their Excellencies at the signing of the Treaty were given to understand that this article was not to be ratified. Their Excellencies therefore commanded Mr. Prior to write to Mr. Blathwayt that the Separate Article under the Signet should be sent as soon as possible, and that he would dispatch a copy of it into England with a warrant that it should be ratified under the Great Seal.

" Before the ratifications were put into the Mediator's hand, the French produced the ratification which they will make with Spain, and they declared in the presence of the Mediator, the English and Dutch Embassy, that they were ready to exchange it with the Spaniards as soon as theirs came from Madrid, with which the Spaniards declared that they were satisfied.

" After our return from Ryswick, Mr. Prior received letters from England by a messenger, who informed him that the instrument under the Great Seal was come from England and sent forward to Loo." (XVI. 109–111.)

" Saturday the 12th [N.S. Oct.]. At Ryswick.—

" The French, having understood that the instrument under the Great Seal was come from England, informed the Lords Ambassadors by the Mediator that they made an exception against His Majesty's styling himself *Rex Franciae*, and the Mediator then said that, if they had made this objection when they exchanged their instrument of ratification with ours under the Signet—.After some arguing upon this point, they came to this conclusion, that they would be satisfied, provided we would declare that we would change it, if it were found to have been practised otherwise in the ratification of the Treaty of Breda and of other treaties made since. Their Excellencies were willing to oblige themselves to stand by the example of Breda, as they had done likewise in the point of the language, but did not think it proper to consent to the clause *and other treaties made since*, not knowing but that the style of *Rex Franciae* might have been omitted in the Treaty made with France against Holland in 1672 or in the Treaty of Commerce in 1677, or in that of neutrality for America in 1686."

" Sunday the 13th [N.S. Oct.].—His Excellency Sir Joseph Williamson visited the Mediator upon this subject ; the French were mighty impatient to have our ratification, alleging that

the courier that was to carry the Dutch ratification stayed for ours. It came to The Hague about eleven at night ; their Excellencies did not think fit to exchange it without coming to some *brevius* explication of what was huddled up on Saturday night."

"Monday the 14th [N.S. Oct.].—Mr. Prior was sent to the Mediator to let him know as well that the ratification was come as the reason why we would not so hastily exchange it ; the Mediator said he was going that day to Delft, and would try to find some expedient to compose this affair ; he did so, but without any [success].

"Their Excellencies having spoken with the Mediator, he drew an Act which bore date the 12th, that if the French agreed to it, it might be inserted in his protocol, and the ratifications might be exchanged.

"Extrait du Protocolle de la Médiation tenue au Château de Ryswick, le 2–12 d'Octobre, 1697.

"Sur la diversité qui se rencontre entre le premier Article du Traité de Paix, signé au Château de Ryswick le 20 de Septembre dernier, et le préambule de la ratification à l'égard des titres, Messieurs les Ambassadeurs Extraordinaires du Roy de La Grande Bretagne ont déclaré que cela s'est ainsi pratiqué à Breda, et qu'en cas que cela ne se trouve pas, ils promettent de fournir un autre Acte de Ratification conforme à celui du dit Traité de Breda.

N. Lilliroot." *Copy.*

"Mr. Prior went to Delft with the Secretary of the Mediation ; we found the French Embassy together at Mons. Harlay's, and told them that, if they approved of the foregoing Act, he was ready to change the ratification with them ; they answered they would stick to the Act as it had been agreed on Saturday night ; so Mr. Prior returned with our ratification." (XVI. 112–115.)

"Tuesday the 15th [N.S. Oct.].—Mr. Prior waited upon the Mediator by their Excellencies' order to desire him to procure a meeting for their Excellencies with the French ; which was agreed to be the next day at Ryswick ; the Mediator had in the meantime made the alterations following in the extract of his protocol of the 12th in order to bring the French to an agreement thereupon :—'Messieurs les Ambassadeurs Extraordinaires du Roy de La Grande Bretagne ont déclaré que cela s'est ainsi practiqué au Traité de Breda *et ailleurs*, et qu'en cas que cela ne se trouve pas, ils promettent de fournir un autre Acte de Ratification réformé en ce point et conforme avec *les dits Traités*, si Messieurs les Ambassadeurs du Roy Très Chrétien n'aiment mieux se tenir à la déclaration de l'Ambassadeur Médiateur faite le 1–11 May, 1697.

"This expedient the Mediator proposed as from himself, but instead of an answer my Lord Pembroke received a letter from him, that the French would agree to the Act, provided it might be inserted in these terms :—

'Sur la diversité qui se rencontre entre le premier Article du Traité de Paix signé à Ryswyck le 20 Septembre dernier et le pouvoir aussi bien que le préambule de la ratification du dit Traité á l'égard de titres, Messieurs les Ambassadeurs du Roy de La Grande Bretagne ont déclaré que cela s'est ainsi pratiqué au *Traité de Breda et dans tous les autres Traités de Paix*, et qu'en cas que cela ne se trouve pas ainsi, ils promettent de fournir *un autre pouvoir et un autre Acte de Ratification* réformé en ce point et conforme avec les dits Traités de Paix à moins que Messieurs les Ambassadeurs du Roy Très Chrétien n'ayment mieux se tenir à la déclaration de Mons. L'Ambassadeur Médiateur faite le 1–11 May, 1697.'

"This Act so formed appeared to their Excellencies more unreasonable than anything they yet had been offered; it was observable likewise that it was written in the same hand as that in which we received the minutes of the French Treaty, the 20th of September, which upon occasion might have been made use of as a good argument to prove that the French [*sic*]* from the point they thought themselves sure of, *i.e.*, that they would stick to the first agreement made on Saturday night. Their Excellencies therefore sent Mr. Prior to Ryswyck to return this last Act into the Mediator's hand, and to tell him that they had a very great respect for anything that came from his hand, which was the reason that they would consent to that Act which His Excellency had communicated to them that morning by Mr. Prior, but that it was impossible for them to consent to that last which His Excellency had sent them. He blotted out the words *le pouvoir aussy bien que*, and added after Breda *et communément dans les ratifications des Traités de Paix*, but this was not consented to on the French part; so Mr. Prior had for answer that their Excellencies and the States' Ambassadors should have a conference with those of France the next day, which they accordingly had, and agreed to an Act in these words to be inserted into the protocol and to bear date the 12th, though it was agreed (as is said), *Wednesday the 16th.*†

"According to, and in virtue of this agreement Mr. Prior went this afternoon to collation the Treaty ratified with that of the French; which was done at the Mediator's house, the Secretary of the Mediation being present; but in the French instrument in the 8th article concerning Hudson's Bay there was a blank left for *Londini* and another for the time of meeting, *trium mensium*, as for the time of finishing, *sex mensium*; for which reason Mr. Prior left our instrument in the hands of the Mediator, and withdrew that under the Signet, the French Secretary returning [*sic*] to know the orders of his superiors herein, and returned [*sic*] to the Mediator's house the next morning, where Mr. Prior went again to meet him."

* Supply *would not budge* or equivalent words.

† Here follows a blank space in which it was apparently intended to insert the revised Act.

"Thursday the 17th [N.S. Oct.].—The French Secretary said his superiors were of opinion that leaving the blank was in effect giving us a power to fill it up as we pleased, and that, since nothing more could be expected than that their instrument should conform to ours, he or I might fill it up: Mr. Prior, as their Excellencies had ordered him, said he did not think that either of us had that power, and that it was very dangerous for anybody in England to alter the least syllable in an instrument under the Great Seal, which we had a very new instance in about the changing the word *celsissimum* in the Brandebourg article into *serenissimum*, and that we conceived they were under the same restriction; but Mr. Prior proposed as from himself, that the Mediator would be pleased to enter it into his protocol, that this insertion was made in his presence, and that he would let Mr. Prior have an attested copy of the extract; to which the Mediator consenting the ratification was exchanged.

"We sent that of the French this afternoon to Loo; and an Act for the Peace to take place according to the times prescribed in the 10th Article, to begin from the day of the signing the Peace, was that evening signed on both sides."

"Friday the 18th [N.S.] Oct.—The original Act was sent to Sir William Trumbull with a copy of the extract of the protocol relating to the title, and a copy of each to Mr. Vernon." (XVI. 116–123.)

"Thursday the 24th [N.S.] Oct.—The Muscovite Embassy returned their Excellencies' visit, their Excellencies being together to receive them in my Lord Pembroke's house; they spoke by an interpreter, who repeated in Latin what they said, the Earl of Pembroke answered in English, Mr. Prior interpreting likewise in Latin; the compliments were on both sides the great readiness and willingness each nation was in to have a good correspondence and friendship with the other, which their Excellencies said they had particular order from His Majesty to cultivate, and to endeavour the reviving and renewing the old concord and customs between our subjects and theirs, that we should therefore appoint our Secretary to draw up a *mémoire* of what might be judged necessary on the occasion, which, they replied, their Secretary should be ready to receive."

"Friday the 25th [N.S. Oct.].—Accordingly Mr. Prior, by their Excellencies' order, drew up a memorial and carried it to their Muscovite Secretary."

"Thursday the 24th [N.S. Oct.].—Mr. Prior exchanged the Separate Article ratified under the Great Seal, and withdrew that under the Signet from the hand of the Mediator, in the same manner as he had done the ratification of the Treaty; the same day and the next, Friday the 25th, their Excellencies and the Dutch, at the desire of the Imperial and Palatine Ministers, had two long conferences with the French about the Palatinate, the French, contrary to what they formerly

promised, insisting to have that part of the country sequestered which they are to give up till *Madame's* pretensions shall be satisfied. The Mediator proposed that the Elector should be possessed of it immediately, and that a certain time should be set, after which those places should be sequestered, if they could not come to an agreement in the meantime. It is not to be wondered that nothing could be agreed on in this matter, Count Vehlen, the Elector Palatine's Ambassador, having accommodated this business underhand between the French King and his Master by their agents at Düsseldorf and Paris. The French had not then sent their memorial about the *réfugiés*. Their Excellencies spoke to them again of it; they said they would send it by the first; Mons. de Harlay said *qu'il y avoit parmis ces gens des marauts, mais qu'il y en eut aussi qui devroient être distingués.*"

"Monday the 28th [N.S. Oct.].—Their Excellencies had another conference, in which they interposed their best offices in favour of the Landgrave of Hesse-Cassel in the business of Rhinfels, but without any effect, the French insisting that the Prince of Rhinfels was dispossessed purely on their account. Their Excellencies insisted likewise in another conference held in the Grande Salle"

"Tuesday the 29th [N.S. Oct.].—That a clause should be added to the Cession of Strasburg, that the business of religion should remain as it is; but the French refused, alleging that there was no danger, but that the capitulation made with the town would always be observed. In the Mediator's chamber, in the presence of the English and Dutch Ambassadors, and of some of the Ministers of the Protestant Princes of the Empire, the Mediator proposed to the Imperialists that they should give a declaration that they meant and intended that the Peace of Westphalia should be established in all points ecclesiastical throughout all those places which France should give back; this proposition the Imperialists rejected with a great deal of heat, saying that the Emperor had given no occasion for any jealousy of this kind, and till he did, it was not proper for others to proceed in such a manner.

"The French proposed that in those reunions they should restore the Catholic religion should remain as it now is. The English and Dutch, in a conference held with the Mediator in his apartment, represented to him, as he did to the French, the unreasonableness of these proceedings as being contrary to what was agreed on in the Separate Article, but they insisted upon this point, without maintaining it with any reason, and most of the reunions being in the Elector of Palatine's country who should have defended it, their Excellencies could do nothing more in it."

"Wednesday the 30th [N.S. Oct.].—Mons. Smettau proposed that what the French asked concerning the reunions should be in a Separate Article with the Catholic Princes only, and that the Protestants should have the liberty of signing; the

Imperialists came out in order to give the Germans an account of the conference they had had with the French; and the Dutch and English came away from Ryswick; after which, on Thursday, the 31st, between one and two o'clock in the morning, the Imperialists and the Ministers of all the Roman Catholic Princes of the Empire and some of the Protestant Princes signed the Peace; the other Protestants refused to sign, but had time allowed them to come in till the exchange of the ratifications, which is six weeks. The French declared that they shall all enjoy the Peace, but those that shall not sign in the time prescribed shall be looked upon as enemies to France, and that Brandenbourg shall not have the benefit of the inclusive article in our Treaty.

"Some time before they signed, the Mediators withdrew, leaving a declaration in the hand of their secretary that, there being some things in this Peace contrary to that of Westphalia, whereof their Master was a guaranty, they could not consent to the signing it. This declaration was delivered in as soon as the parties had signed." (XVI. 123–129.)

"Des Prétensions de Sa Majesté Britannique comme Prince d'Orange, Seigneur d'Arlaye."

"1. Que suivant et en exécution des Traitez de Nimègue et de Munster et autres, conclus avec Leurs Majestés Très Chrétienne et Catholique, Sa Majesté Britannique rentrera en la pleine jouissance et possession tant de sa Principauté d'Orange, droits indépendants et domaines y annexés, que des Terres et Seigneuries qui luy appartiennent en France, Flandres, Duché et Comté de Bourgogne, Pais de Charolois, et autres pais de la domination de Sa Majesté Très Chrétienne, aussi bien que de tous droits et actions, ainsi et au même état qu'elle en jouissoit avant les dits traitez ou a deu jouir suivant iceux. Et que pour mettre fin à tous troubles, procès et incidens, qui pour iceux pourroient survenir, Sa Majesté Britannique, comme aussi Sa Majesté Très Chrétienne, délégueront des commissaires pour régler et liquider le tout souverainement et de plein[pouvoir].

"2. Que Sa Majesté Très Chrétienne fera restituer avec effet tout ce qui a été perceu dans la Principauté d'Orange déchargé, ou sursis en rentes, domaines et droits, depuis le Traité de Nimègue jusqu'au tems de la déclaration de la présente guerre; ensemble de tous domaines, rentes, et droits des autres terres et seigneuries de Sa Majesté Britannique étant sous la domination de Sa Majesté Très Chrétienne avec intérêts pour les nonjouissances.

"3. Et pour ce qui est des terres et domaines, dont Sa Majesté Très Chrétienne a joui et qui appartiennent à Sa Majesté Britannique, Sa dite Majesté Très Chrétienne en fera compte de même qu'en avoit usé auparavant Sa Majesté Catholique, suivant la vérification qui en sera faite par les dits commissaires, et sera aussi fait compte respectif des revenus

perceus de la Principauté d'Orange et du Marquisat de Bergues-op-Zoom et des charges payées et à payer.

" 4. Toutes nouveautez établies et introduites dans la Principauté d'Orange, subsides et autres charges sur le général, au préjudice, et depuis les susdits traitez, sont anéanties et abolies sans retour ni sans [*sic*] conséquence, et satisfaction et accordée [*sic*] en général, et que tous les corps et les particuliers seront restituez en tous leurs droits et biens, avec intérêts contre ceux qui les ont perceus, et indemnité comme de droit, s'il y échoit et, spécialement les Protestants, à la vérification et règle des dits commissaires; et les quatre ministres prisonniers depuis 12 années seront incessamment mis en liberté et réintégrez en leur premier état.

" 5. Et d'autant que Sa Majesté Britannique a été empêchée de jouir des terres et droits qu'elle possède dans la Franche Comté, et droits en dépendans, comme il est spécifié par le Traité de Munster, il sera dit et stipulé par le nouveau Traité, que la prescription ni aucun laps de tems n'aura lieu, et qu'a cet égard, aussi bien que pour tous ses autres domaines et surtout pour la Principauté d'Orange, il sera expressément déclaré que tous édits, arrêts, déclarations, décrets, saisies, mainmises, adjudications, et autres actes, de quelle nature qu'ils soient, contraires aux susdits traitez, et intervenus depuis iceux, ou durante la minorité de Sa Majesté Britannique demeureront cassez et anéantis, en vertu du nouveau Traité sans aucun retour ni conséquence. Et comme tous les principaux domaines de Sa Majesté Britannique sont situez dans les Provinces Unies, où se trouve son véritable domicile, comme Prince d'Orange, que tous procez intentez, ou à intenter, seront renvoyez à la Cour de Holland, à l'exemple de ce que le Grand Conseil à Malines a jugé contre le Comté de la Solres ; tout ce qui sera fait au contraire demeure nul et anéanti sauf pour les actions particuliers et hypothécaires sur quelques domaines singuliers, et alors on suivra l'ordre des jurisdictions, ou si bon semble à Sa Majesté Britannique ou à ses officiers de se servir en ce cas des anciens committimus.

" 6. Et pour ce qui est des traitez particuliers, conclus entre Sa Majesté Britannique et Sa Majesté Catholique devant et en exécution du Traitez de Munster, seront aussi exécutés de bonne foy ; et pour plus de validité d'iceux, à cause des assignations y exprimées, Sa Majesté Impériale en tant qu' à elle peut ou pourra toucher, ou à l'Empire, autorise iceux traitez ; veut qu'ils ayent autant de force que si elle y avoit été présente, et y avoit consenti ; et qu'en tout tems ils soient exécutez, nonobstant tous droits, réversion[s] et autres, quels qu'ils soient, présent[s] et à venir, que Sa dite Majesté Impériale tient pour deuement dénommez, sans qu'elle, ses hoirs, et ses sucesseurs y puissent déroger ni revenir sous quel prétexte que ce soit.

" 6 [*sic.*] Que dans le Traité qui sera fait entre Sa Majesté Très Chrétienne et Sa Majesté Catholique il sera dit que les sus-

dits articles seront exécutez tout de même que s'ils y étoient insérez de mot à mot, et que tous les domaines et droits de Sa Majesté Britannique, situez dans la Province de Luxembourg et autres, qui sont ou qui ont été sous la domination de Sa Majesté Catholique, seront restituez à Sa dite Majesté Britannique avec toute indemnité pour les détériorations, et qu' à cet effet tous engagistes et décrétistes, ou autres possesseurs, les laisseront vuides et libres sans prétendre ni compensation ni remboursement de Sa dite Majesté Britannique. Tous actes, arrêts, et procédures, de quelle nature qu'ils soient, demeurent cassez et anéantis, aussi bien que tous ceux qui seront intervenus pendant la minorité de Sa dite Majesté Britannique sans aucun retour ni conséquence." (XVI. 262–267.)

"Résultat de la Conférence tenue entre LEURS EXCELLENCES MESSIEURS LES AMBASSADEURS EXTRAORDINAIRES DE FRANCE à Delft, et MESSIEURS LES AMBASSADEURS DES ETATS GÉNÉRAUX, le 9me Aoust, 1697.

"Les Ministres de France tombent d'accord sur les articles 1, 2, 3.

"4. L'on s'informera s'il y a quelque chose à la charge des Souverains, ce que l'on pourra examiner, ou si cela regarde seulement les particuliers lorsque l'on verra si l'on ne pourra pas ouvrir la justice à leurs plaintes.

"5. Les Ministres François tombent d'accord sur cet article, mais à ce sujet on allègue qu'en Angleterre on a mis beaucoup des charges sur les François qu'on devroit redresser. 1. Qu'on ne peut pas porter en Angleterre des marchandises qu'avec des vaisseaux du pais du crus d'où sont les navires, 2. La défence de la laine de France. 3. Les droits que les Anglois exigent plus fort quand les marchandises ne sont pas portées par leurs propres vaisseaux. 4. Les droits qu'on paye pour les feus tout le long des côtes. 5. Sur cet article on demande aussi réciprocation dans les colonies, ou les François feront en tout la même chose.

"6. 1. On demande que les Irelandois pris sur les vaisseaux François soient élargis. 2. Les prisonniers réfugiés sur les côtes ne pourront estre relâchés ; ils s'éclairciront pourtant là-dessus. 3. Les François demeurants en Angleterre jouissent de leurs biens en France, et n'ont pas besoin de cet article, mais s'ils sont réfugiés, on n'y pourra rien faire, si non qu'ils fussent sortis avant les édits, et qu'ils n'ont pas été réclamés, ou avec permission du Roy.

"7. La France demeure d'accord sur cet article à la réserve qu'ils ne peuvent pas admettre l'exception y insérée à cause que le Fort de Hudson nommé cy-devant Bourbon, a appartenu au Roy de France, et qu'un déserteur l'a mis dans le pouvoir des Anglois, qui luy ont donné le nom de Nelson, après quoy les François l'ont repris en tems de paix, et les Anglois s'en sont rendu les maistres durant cette guerre, et contre la capitulation faite ils ont retenu prisonnier le Commandant avec

150 mille livres de France ; et ainsi la France soutient que le dit fort doit être rendu, le Commandant relâché et dédommagé, et qu'en tems de paix on pourra examiner le droit de l'un et de l'autre soit par des arbitres ou des commissaires comme l'on le trouve à propos.

" D'accord sur les Articles 8, 9, 10, 11.

" 12. La France demande plus d'éclaircissement sur la période commençant—*Et quoniam.*

" D'accord sur les Articles 13 et 14.

" La France est d'accord qu'on renvoye l'examen du Traité de Commerce et du Traité de Neutralité après la Paix.

" L'on demande encore l'exécution de l'acte ou contract de mariage de l'espouse du Roy Jacques.

" Les Ambassadeurs des Etats Généraux des Pais-Bas, ayant exécuté tout ce qui est cy-dessus, ont répondu et déclaré qu'ils en feront rapport, et donneront part à leurs Excellences Messieurs les Ambassadeurs du Roy d'Angleterre, afin d'être répondu par eux comme ils trouveront convenient." (XVII., No. 16.)

	" Réponse aux remarques que MESSIEURS LES AMBASSADEURS DE FRANCE firent, le 9me d'Aoust, sur le Projet de Paix entre l'Angleterre et la France.
" Approved by His Majesty.	" 4. Cet article regarde seulement les particuliers. On demande que les voyes ordinaires de la justice soyent ouvertes, afin que les droits, prétensions et actions de chacun puissent être vuidées et déterminées ; et on croit qu'il est nécessaire de faire insérer un article dans le Traité pour cet effet.
" Approved by His Majesty.	" 5. On attend que le commerce soit libre universellement par tous les royaumes et domaines des deux Seigneurs Rois en quelque pais du monde que ce soit, et les droits et impôts sur les marchandises estant déjà réglés par les loix de chaque nation, nous consentons d'en remettre la considération à un traité de commerce qui sera fait selon la proposition faite par les François.
" It is His Majesty's pleasure that their Excellencies do pro-	" 6. On demande que tous les François qui ont été habitants

ceed herein in the same manner as the States General, the Elector of Brandenbourg and other Protestant Princes, observing the following particulars, viz., that as the Irish taken upon French ships shall be set at liberty, so it is expected that there be the like reciprocation of the French *réfugiez* taken at sea.

" Their Excellencies are to take care, as much as may be, that no handle be given to the French to ask the restitution of the Irish estates or return of Irishmen that are [or] shall be under confiscation or attainder, and in case such demand be made, not to admit of any expression or clause to that effect.

ou demeurants dans les royaumes ou domaines du Roy de la Grande Bretagne soyent mis en liberté, et que tous les sujets naturels du dit Roy, possesseurs de terres et autres biens et fonds en France, soyent restablis dans la jouissance de leurs terres et autres biens en fonds ; comme aussi tous ceux de la nation Françoise qui estoient en Angleterre avant les édits, ou qui ont eu la permission de Sa Majesté Très Chrétienne de se retirer de la France.

" N.B. Mons. le Pensionnaire sçait déjà que les Anglois agiront, en ce qui regarde les Protestants François en général, selon ce que feront les Estats Généraux et l'Electeur de Brandebourg, etc

" C'est la raison pour quoy on n'insiste pas plus particulièrement sur ce point dans cet article.

" It is His Majesty's pleasure that their Excellencies do endeavour to obtain from the French the present exception in the Project relating to Hudson's Bay, and if that be despaired of by their Excellencies, then in the stead of such exception, to propose and insist on a clause leaving all things relating to Hudson's Bay in the condition they shall be in at the signing of the Treaty, and referring all those matters in dispute to be determined by the Commissioners that shall be appointed for the Treaty of Commerce.

" 7. Le Fort de Hudson appartenant véritablement aux Anglois, il est bien juste que la possession leur en demeure; l'affaire du Commandant est à présent devant le Conseil Privé du Roy, et sera jugée comme une affaire particulière selon ce qui est prescrit dans le 4me article.

" His Majesty approves of this answer. (*Cf.* p. 534, *supra.*)

" His Majesty approves hereof, and that the consideration of the Treaty of Neutrality in America be likewise

" 12. Dans l'article d'Orange *Et quoniam*, etc., Mons. le Pensionnaire y fera réponse.

" Un Traité de Commerce sera remis à des commissaires comme les François ont proposé.

referred to the same Commissioners.

"His Majesty approves of this answer."

"Il n'est pas nécessaire de rien stipuler pour l'epouse du cy-devant Roy Jacques, ce Traité ne dérogeant point à ce qu'elle doit posséder par les loix d'Angleterre.
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VOLUME IV.—(New Series.)

THE

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OF THE

HOUSE OF LORDS,

1699—1702.

With an Appendix, the Journal of the Protectorate House of Lords, from the original Manuscript in the possession of Lady Tangye.

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ABBREVIATIONS USED IN THE FOLLOWING CALENDAR.

MS. Min.—MS. books containing Minutes of the Proceedings in the House, and intituled "Journal."

Com. Book.—MS. books containing Minutes of the Proceedings of Select Committees.

Priv. Book.—MS. books containing Minutes of the Proceedings of the Committee for Privileges.

Long Cal.—MS. list of the Acts, both Public and Private, numbered consecutively for each regnal year, in the order in which they are kept in the Victoria Tower.

INTRODUCTION.

The Manuscripts of the House of Lords, being no longer printed by the authority of the Historical Manuscripts Commission, will for the future appear as separate volumes, of which this is the fourth. For the sake of convenience, they will be printed in the same form as the volumes already issued by the Commission.

THIS Volume includes the period from the opening of the second Session of the fourth Parliament of William III. on the 16th of November 1699 to the death of that Sovereign on the 8th of March 1701–2.

During the interval between the end of the previous Session on the 4th of May and the opening of the new one, various changes had been made in the administration. Most of the leading Whigs had been replaced by Tories. L. Somers alone of the more prominent Whig statesmen retained his office when Parliament met. William was no doubt induced to effect these changes in the Government in view of the evident unpopularity of the Whig Party, but the results of his policy were not successful as the Session was one of the stormiest of the reign.*

In the Speech with which he opened Parliament (No. **1457**), the King began by emphasising the necessity for further expenditure on the repair of the fleet and fortifications,† and also for the payment of the debts contracted in the late war. After alluding to the increase of trade, he recommended that Parliament should turn its attention to the increase of the poor "which is become a burden to the Kingdom; and their loose and idle life does, in some measure, contribute to that depravation of manners, which is complained of (I fear with too much reason)."‡ He explained that the

* "This change of administration did not answer the King's expectation, by smoothing the current of public business. The zeal of the Whigs for his service abated upon every concession to their antagonists, who grew more bold in opposition from the prospect of their approaching ascendancy." History of Political Transactions and Parties, by Thomas Somerville, p. 518. London, 1792.

† The Commons on this occasion do not appear to have been impressed with the necessity for any augmentation of the Navy. In the previous Session they had voted supply for 15,000 sailors for the service of the year. For the year 1700 the number of seamen was reduced to 7000. C.J., XIII. 90.

‡ The Commons lost no time in acting upon the King's suggestion and at once appointed a Committee "to consider of ways of better providing for the poor, and setting them on work." C.J., XIII. 4.

poor who were unable to help themselves should be maintained, but insisted that "such as are obstinate and unwilling, should be compelled to labour." He ended his speech by assuring the two Houses of his determination to maintain the rights and liberties of the people—a determination in which he was convinced that he had the support of Parliament. "Since then our aims are only for the general good, let us act with confidence in one another; which will not fail, by God's blessing, to make me a happy king, and you a great and flourishing people."

In the House of Commons the Tory majority at once took exception to the concluding remarks in the King's Speech. In an Address to the King on the 1st of December, the Commons complained that it was a great misfortune "that, after having so amply provided for the security of your Majesty and your Government, both by sea and land, any jealousy or distrust has been raised of our duty and affections to your Sacred Majesty, and your people; and beg leave humbly to represent to your Majesty, that it will greatly conduce to the continuing and establishing an entire confidence between your Majesty and your Parliament, that you would be pleased to shew marks of your high displeasure towards all such persons who have, or shall presume to misrepresent their proceedings to your Majesty." This Address, or rather Remonstrance, was aimed at the Whig leaders and particularly at L. Somers, who was the object of the unrelenting hostility of the Tories during this Session. The King in a dignified reply repudiated the idea that anyone had dared to misrepresent to him the proceedings of either House of Parliament, and assured the Commons that no action of his should give just ground for any misunderstanding between him and his people.*

The Session in the Upper House opened quietly. The case of Matthew Smith (No. **1467**) was the only matter of any political interest which was brought to the notice of the Peers in the early days of the Session. Smith was a nephew of Sir William Perkins, who had been executed for his complicity in the Assassination Plot. Some weeks before the discovery of the Plot, Smith had stated his readiness to

* C. J., XIII. 37.

sell information to D. Shrewsbury, who seems to have taken very little notice of his insinuations, although he mentioned the subject both to the King and to L. Somers. Smith, in a printed pamphlet, now accused D. Shrewsbury of neglecting to make use of his information. It was generally supposed at the time that this pamphlet had been actually written, or at any rate largely inspired, by E. Peterborough, whose jealous hatred of D. Shrewsbury was notorious. Smith's evidence in support of the charges made in his pamphlet against the Duke entirely failed to convince the House of Lords. The author was accordingly committed to the Gatehouse and his work was voted a breach of Privilege and ordered to be burned by the common hangman.*

On the 15th of December the Report of the Commissioners who had been appointed in the previous Session to inquire into the subject of the forfeited lands in Ireland was presented to the House of Commons. It supplied the Tory majority with an excellent weapon for attacking their political opponents. This Report had been brought to the notice of the House of Lords on the 13th of December by the Lord Chancellor, who on that day communicated to the House a letter which he had received from three of the Commissioners. In this letter (No. **1471**), L. Drogheda, Sir Francis Brewster and Sir Richard Levinge protested against certain passages which the four other Commissioners had insisted upon inserting in the Report and which they had refused to sign. On the 18th of December the Commissioners were ordered to lay before the House a statement of their proceedings in Ireland, and on the following day Mr. Annesley, one of their number, delivered in their Report and the documents upon which it had been based. In this Report the Commissioners stated that the value of the forfeited lands in Ireland, even after a deduction had been made for the value of the estates restored by the Articles of Limerick and Galway and by the favour of the King, amounted to 1,699,343*l.* The Commissioners also took into consideration the value of James II.'s private estate, which they estimated at 337,943*l.* By these calculations it appeared

* For an account of the circumstances with regard to this case, *see* Letters illustrative of the reign of William III., by James Vernon, Esq., edited by G. P. R. James, Vols. II. and III., in which many allusions are made to Smith.

that the amount, which ought to be available from the forfeited lands for public purposes, was over 2,000,000*l.*, and the Commissioners suggested that it was possible that further inquiry might lead to the discovery of more land.

In addition to the Report, nine Books of Statistics, &c., which had been compiled by the Commissioners, were laid before the House (No. **1471**). In the first of these Books, abstracts of which are printed in this Volume, are set out the names of 4,000 persons whose estates had been forfeited. The second Book contains an estimate of the value of all the land forfeited, whether it had been restored or not. The third and fourth Books record the adjudications of the Court of Claims and of the Council Board. The fifth Book contains a list of the persons who had been pardoned, giving the reasons for which pardons had been granted. In the sixth Book there is a list of the Grantees, giving the reasons for which the grants had been made to them, and in the seventh and eighth Books there are lists of incumbrances on the properties, and of debts due to the dispossessed owners. The ninth Book contains details as to the private estate of the late King.

The passages in their Report upon which the seven Commissioners were not agreed, were of an extremely controversial character. In these it was stated that the King had gone beyond the Articles of Limerick and had pardoned rebels who did not deserve any favour. It was suggested that if a searching inquiry were made, it would be found that more estates might have been confiscated. It was also stated that the work of the Commissioners had been thwarted by men in high positions. In addition to this the Commissioners went out of their way to make a direct attack on the King for his action in giving away the private estate of James II. to the Countess of Orkney—a matter upon which they were not empowered by their Commission to report, as the lands formed part of the Crown property and had not been included amongst the estates forfeited after the war in Ireland.

It is possible that the value of the Irish estates was exaggerated in this Report. In a tract entitled "Jus Regium, or the King's right to grant forfeitures, &c.", the net value of the forfeited lands was estimated at not more than 500,000*l.* The value and extent of the private estate were also stated to

have been much exaggerated by the Commissioners. But it is not unlikely that the valuations contained in this tract, which was designedly written in defence of the King's position, erred on the other side.*

It is not surprising, however, that the Report was generally accepted, as it was confidently asserted that if all the estates were sold, the gain to the country would not be less than 300,000*l.* a year, a sum which would do much to relieve the burden of war taxes.

The Resumption Bill (No. **1549**), which was brought in to carry out the recommendations of the Commissioners, led to a protracted struggle between the two Houses which threatened at one time to bring about a serious constitutional crisis. The Commons sent up the Bill on the 2nd of April, and, to insure the passing of the measure by the Lords, they adopted the plan of tacking it on to a Bill of Supply—a plan which they had found effective in the previous year.† The Motion to read the Bill 2ª was carried in the House of Lords by a large majority.‡ It was considered in Committee on the 5th and 6th of April and was read 3ª two days later. The Lords did not amend the provisions in the Bill which rescinded the grants of the forfeited estates made by the King. They fully admitted the necessity for this policy as a means of paying off the debts of the nation.§ They altered the clause, however, by which lands that had never been forfeited were handed over to be administered by the Trustees appointed by the Act. They

* It should be noted that in the Report of the Commissioners which is printed in this Collection of Tracts, the Plantation acre in Ireland (the system of measurement upon which the valuations of the Commissioners were based) bears a proportion to the English acre as 441 is to 264, whereas in the copy of the Report printed in this Volume the proportion is exactly reversed. *See* Collection of State Tracts, published during the reign of King William III., Vol. II. London, 1706. In a letter from the Lords Justices of Ireland to the Lords of the Treasury, it is stated that the highest offer for lands in Galway was 2*s.* per acre per annum. Calendar of Treasury Papers. Vol. I., p. 121. The same lands were valued by the Commissioners at 3*s.* per acre.

† The Commons, in 1699, had added a clause appointing seven Commissioners to inquire into the subject of the Irish forfeitures to a Bill of Supply. On that occasion the Lords, although they had passed the Bill, had made a Protest against the practice of tacking. *See* Protests of the Lords, edited by J. Thorold Rogers, Vol. I., pp. 134, 135.

‡ The numbers of the division are stated in the MS. Min. to have been 70 Contents and 23 Not Contents. In the Journal only 91 Peers are recorded as having been present. The names of E. Sandwich, L. Dartmouth, and the Bishop of Coventry which appear in the MS. Min. are not mentioned in the Journal.

§ L.J., XVI. 575.

also amended some of the provisions by which the Commons had attempted to relieve certain specified individuals. In addition to these amendments they inserted a proviso that nothing in the Bill "should be construed to confirm the outlawry of any person who was not outlawed till after his death." The Lords then proceeded to make an amendment in the Bill of Supply which the Commons had tacked to the Resumption Bill, by striking out one of its provisions by which no Member of Parliament was to be capable of being a Commissioner of Excise. This Amendment was carried by 56 votes to 33. The Commons refused to consider any of the amendments made by the Lords. They insisted that they were amendments to a Bill of Supply and consequently infringed the privileges of the House of Commons. On the 9th of April the Lords by a majority of 13 insisted on their Amendments.*

A Free Conference was held on the following day at which Sir Edward Seymour stated that the Commons had not thought fit to consider the Reasons for insisting on their amendments, which the Lords had sent down to them. The Lords again considered whether they should adhere to their amendments. A division upon this Question, after Proxies had been called for, showed the numbers to be equal, and, therefore, according to the rule of the House, the Question was carried in the negative.† In order for the Bill to pass, another division was necessary upon the Question: Whether this House will agree to the Bill without any amendment? Had the voting been similar to that in the preceding division, the Bill would have been lost, and a grave constitutional deadlock would have arisen.

The Lords probably realised that the matter in dispute was not of sufficient importance to justify them in resisting any longer the wishes of the majority in the other House. They had made their protest against the arbitrary action of the House of Commons, but were not prepared to go any further in a matter with regard to which it was clear that the Commons would receive the support of the country.‡ In the final division,

* The Motion to adhere to the amendments was carried by 47 votes to 34. But, although only 81 Peers voted, it appears from the Journal that 95 Peers were present.

† Luttrell's remark that E. Bridgewater on this occasion gave the casting vote as acting Lord Chancellor, shows that he was confusing the practice of the House of Lords with that of the Commons. Luttrell's Diary, Vol. V., pp. 632, 633.

‡ History of England, by Lord Macaulay, Vol. V., p. 281. London, 1861.

therefore, several Peers absented themselves, with the result that the Bill was carried by 39 votes to 34.*

The Trustees appointed under the Act set to work immediately. On the 6th of March 1700–1701 an interim Report was laid before the House of Lords (No. **1594**).† This Report must have destroyed the hopes of the enthusiasts who had counted upon relieving the burden of the English tax-payer, for, instead of the 300,000*l.* a year which the forfeited estates had been confidently expected to yield, the Trustees only held out hopes of an annual sum of about 80,000*l.*, of which the actual costs of the Commission were swallowing up no less than half every year. The Trustees also explained that they were encountering great difficulties in carrying out the provisions of the Act. It is clear that not only their methods of administration, but also the policy of the House of Commons in this matter, were extremely unpopular in Ireland, as throughout the Session of 1701 many Petitions were presented to the Commons both against the proceedings of the Trustees, and also against the action of Parliament in dealing with Petitions for Relief Bills.

The final settlement of the forfeited estates in Ireland was not carried out for some time subsequent to this, and there are other papers on the subject which will be dealt with in the next Volume of the Calendar.

The King, in his Speech at the opening of the Session, did not refer to the subject of the Scottish colony at Darien, but it was inevitable that a matter of such vital importance to the political and trading interests of both England and Scotland should demand the urgent attention of Parliament. It is not surprising, therefore, that on the 10th of January a Motion was made in the House of Lords "that the present posture of affairs in Scotland, relating to the business of Darien, should be taken into consideration."

The history of the Darien scheme began in 1695 when the Scottish Parliament passed an Act in favour of "a Company trading to Africa and the Indies." From its first inauguration the Company, which owed its origin to the fertile brain of

* 77 Lords voted in the first division and 73 in the second division. 93 Lords were present in the House.

† This Report, which was made to both Houses, varies only in minor details from the Report presented to the House of Commons.

William Paterson, had encountered the most violent opposition not only from English traders, but also from the English Parliament.* The object of the Company was to establish a trading colony on the isthmus of Darien.† The fact that the site which they had chosen was in the centre of the Spanish possessions in that part of America does not appear to have struck the promoters as any great objection to their plans. They seem indeed to have considered that the geographical position of their colony would be of advantage to England in the event of trouble arising with regard to the succession in Spain.‡ Some such idea may possibly have influenced the King and his advisers in resisting the pressure that was brought to bear on them by the English traders, and in not intervening until it had become apparent that the Scottish settlement, through mismanagement and neglect, was doomed to failure. At any rate, it was not until the 2nd of January 1698–9 that Mr. Secretary Vernon issued his letter, with regard to the settlers at Darien, to the Governors of the various English plantations, ordering them strictly to enjoin all his Majesty's subjects, or others inhabiting within the district of their governments, "to forbear holding any correspondence with, or giving any assistance to, any of the said persons while they are engaged in the aforesaid enterprise; and that no provisions, arms, ammunition, or other necessaries whatsoever, be carried to them from thence, or be permitted to

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* History of Scotland, by John Hill Burton, Vol. I., pp. 287–289. London, 1853. Parl. Hist., Vol. V., pp. 975–976. House of Lords MSS., Vol. II. (New Series), No. **955**.

† "The project, as explained by Paterson, had a generous and fearless liberality, standing in noble contrast with the restrictive spirit of the period. It was to be free of the narrow policy of British commerce, and utterly in contrast with the exterminating exclusions of the Spaniards . . . . . Paterson called on his countrymen . . . to open the advantages of their commerce to all the world, and to enrich themselves, not by making the rest of mankind poor, but by leading the universal march onward. The vessels of all governments were to be free to the new ports, contributing only their proportion to the revenue of the establishment, and thus the merchandise of all nations was, in that favoured spot of the globe, to be accumulated without restriction or distinction." Burton's History of Scotland, Vol. I., p. 307.

‡ "The Scotch ministers, at the late conference, among other things, touched at the convenience their settlement might be to England in case of the King of Spain's death, and that the French should pretend to seize those countries . . . . . the footing the Scotch have taken between Mexico and Peru will, if they keep it, make them very considerable in those parts." Vernon to Shrewsbury; Letters illustrative of the Reign of William III., Vol. II., p. 305.

be carried either in their own vessels or any other ship or vessel for their use." (No. **1486.**)

This letter and other documents relating to the Darien settlement were laid before the House of Lords on the 16th of January 1699–1700. It was moved "to have the opinion of the Commissioners of the Customs how far the colony at Darien may be prejudicial to the plantation trade; to address the King that the Treaty of '70 with Spain, and the Spanish Memorial relating to Darien might be laid before the House." On the 18th of January the Commissioners of Trade and Plantations presented a Report to the House. After pointing out the justice of the Spanish claim to the isthmus of Darien, and the consequent danger of a war if the Scottish settlement were recognized, they concluded by explaining that in their opinion the new colony would in any case be highly mischievous to the British plantations in general "and principally to the island of Jamaica, the most important of any of them, by alluring away their inhabitants with the hopes of mines and treasure, and diverting the present course of trade which is of the greatest advantage to England."

After debate, the Lords decided that the King's instructions to the Governors of the various plantations were in accordance with the Address of both Houses of Parliament of the 13th of December 1695.* On the 8th of February the debate was resumed, and a Motion was carried, "That the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this kingdom." Several Peers, however, protested against this Motion on the ground that no sufficient reasons had been brought forward in the debate to determine a point of so much importance.† It is obvious that a feeling was prevalent in the House that, although it might be necessary for diplomatic and other reasons to disown the Scottish colony at Darien, it was yet extremely undesirable that the trade rivalry and mutual jealousy between England and Scotland should be allowed to continue any longer. It was clear that such a state of things

* The Address to which reference is made, was presented to the King by the two Houses of Parliament against the privileges conferred on the Scottish Company. L.J., XV. 611.

† Protests of the Lords, edited by J. E. Thorold Rogers, Vol. I., p. 137.

was almost inevitable so long as the two countries were governed by different Parliaments. On the 10th of February, therefore, it was moved "to appoint a time to take into consideration of the union between Scotland and England." The union of the two countries had always been strongly advocated by the King, and he did not lose this opportunity of impressing again upon Parliament his views on the subject. In his answer to the Lords' Address, he emphasised the importance of a legislative union to ensure the happiness and security of the two kingdoms.* The Lords lost no time in responding to the King's suggestion. On the 13th of February, a Select Committee was appointed to prepare and bring in a Bill to authorise "certain Commissioners of the Realm of England to treat with Commissioners of Scotland for the weal of both kingdoms." This Bill (No. **1513**), which is almost identical with the Act of 22 Car. II. c. 9., was read 1ª on the 16th of February, and on the 28th of February it was sent down to the Commons by two Judges with a special recommendation "as a Bill of great consequence."† The Commons, however, who resented the action of the Lords in recommending the Bill, threw out the measure on Second Reading. Before the end of the reign there were two further attempts at the legislative union of the two countries. On the 24th of June 1701, the day on which the 5th Parliament of the reign was prorogued, the Lords appointed a Select Committee "to consider of the union between England and Scotland," and on the 28th of February 1701–2, the King, a few days before his death, in a Message to the House of Lords (No. **1747**), once more drew the attention of Parliament to the object which he had so much at heart.

The affairs of the two East India Companies were again before Parliament this Session. The New Company, which had been established by Charles Montagu in 1698, had from the first been much handicapped by a want of capital.‡ It

* L.J., XVI. 514.

† *See* Burton's History of Scotland, Vol. I., p. 337.

‡ The Promoters of the Company had advanced the sum of 2,000,000*l.* to the Government at 8 per cent. on the understanding that they should have the exclusive right to trade in the Indies after 1701.

"No sooner was this New Company erected, than great and obvious difficulties and objections were started against their proceeding to trade

had also to contend against the active opposition of the Old Company, which, as early as the 24th of February 1698, only a few months after the New Company had been established, petitioned the House of Commons that the old Corporation might be allowed to continue for the remainder of the term of 21 years granted to it in its Charter of 1693.* A Bill was presented for this purpose to the House of Commons, but, although the majority of the Tories were strongly opposed to the New Company, it was apparently felt that it would be unwise to do anything that might have the effect of destroying a body upon the formation of which so much money had been expended, and which had so recently obtained the sanction of Parliament. The Bill was accordingly thrown out on Second Reading but only by a majority of 26 votes.

No such consideration, however, seems to have influenced the Commons in the present Session. A Bill "for continuing the Government and Company of Merchants of London trading to the East Indies a Corporation" was introduced into the House of Commons on the 24th of January, and was sent up to the Lords on the 13th of February. On the 19th of February Counsel were heard on behalf of the Promoters of the Bill, and also on behalf of the New Company which petitioned against the proposed measure (No. **1512**). Mr. Dodd, for the Petitioners, complained that the Old Company was attempting to "confound the words of an Act of Parliament. We have offered to take them in almost at any rate, I think to a fourth of the trade. We are willing to accommodate."† Sir Thomas Powys, for the

during the three years remaining to the Old Company, who were in possession of the forts and of the privileges granted in India by the Moguls, etc. And even though the New Company should wait till Michaelmas 1701, when they would have the exclusive trade, the old one was, nevertheless, still at liberty to dispose of their forts, settlements, factories, etc., at their own price, as not being restrained by the Act of Parliament from selling them even to foreigners. Nor were they by this Act absolutely dissolved at the end of the three years, seeing their estate is thereby made liable to pay all their debts, which could not be effected within the limits of those three years. Moreover, the Old Company had artfully subscribed 315,000*l.* into the new stock in the name of Mr. John Dubois, their treasurer, whereby they were possessed of above one-seventh part of the whole new capital of two millions." Annals of Commerce, Manufactures, Fisheries, and Navigation, etc., of the British Empire and other Countries, by David Macpherson, London, 1805.

* C.J., XII. 526, 557.

† "The Lords have been busy these two days. Yesterday, they heard Counsel about the Bill for incorporating the old East India Company. They have committed it, and intend to proceed upon it on Friday next.

Promoters, replied that the New Company aimed at "the utter extirpation of the Old. They say we would overthrow that Company. No, we desire only to be in the same station we are or were." He then proceeded to explain how important it was for the Old Company to be continued. "They have many privileges and grants from several Indian princes, and when they are dissolved they are lost." In Committee, on the 23rd of February, the Judges were asked "whether anything in this Act does repeal any part of the former Act granted to the New East India Company, or alter, change, or take from them, any of their liberties, privileges, immunities and benefit granted to them by the said Act, except continuing the Old Company a Corporation." The Judges replied that it would take some time fully to consider this question, but their opinion seems to have been clear that the real effect of the Bill was to continue the Old Company as a Corporation. On the same day proposals in writing were put in by the New Company stating that, in order to avoid the evils which must arise from the continued existence of two companies trading "with a like name to the same places in a joint stock," they were willing, not only to admit the 315,000*l.* already subscribed on behalf of the Old Company into their joint stock, but also to allow the Old Company such larger share of their fund and trade as the House of Lords might think reasonable. They also expressed their willingness that the dead stock of the Old Company should be valued at 150,000*l.*, although they pointed out that this sum was, in their opinion, greatly out of proportion to its real value. These proposals were not accepted by the Lords, who also refused to put a proviso into the Bill for the protection of the subscribers of the 2,000,000*l.* raised by the New Company. The Bill which definitely established two East India Companies, was passed without any Amendment, and received the Royal Assent on the 11th of April.*

They have allowed so much time to see what proposal will be made by the new Company for an accommodation, who instructed their Counsel to express the desires they had of uniting, and that they would readily submit the terms to the judgment of the Lords. I am afraid this expedient will avail little; they talk as if an accommodation could not be practicable till the Bill were past." Vernon to Shrewsbury; Letters illustrative of the reign of William III., Vol. II., p. 437.

* The two Companies were not amalgamated until 1708.

On the same day the King gave his consent to the Poor Relief (Encouragement of Manufactures) Bill (No. **1509**), an Act which affected prejudicially the trade of both the East India Companies.* The Act provided, that after the 29th of September 1701, all wrought silks, bengalls, and stuffs mixed with silk or herba of the manufacture of Persia, China or East India, and all calicoes painted, dyed, printed or stained there, which were, or should be, imported into this kingdom, should not be worn in England, Wales or in the town of Berwick-upon-Tweed. The Bill reached the House of Lords on the 10th of February. Various dealers and retailers of Indian goods were heard by Counsel on the 15th and 17th of February. It was urged on their behalf that the East Indian trade was a very profitable one to the nation, and that, if the Bill were passed, it would ruin many of the Petitioners "who, with the trades and employments depending thereon, are as numerous as the weavers and others who pretend to be aggrieved." These protests, however, were unavailing and the Bill was passed without amendment.† The economic doctrine that the people of England would be ruined by the importation of commodities manufactured abroad was too generally accepted at this period for opposition to a measure of this kind, however reasonable, to have any chance of success.‡ "For a hundred years past," observed a Dutch writer in 1751, "the English have considered exportation, and sale of goods and merchandises abroad, as the only profitable and advantageous trade of that kingdom, and on the contrary left it very doubtful whether

* "The Old East India Company will get no great advantage by the struggle they have been making; perhaps they may carry it for their being a corporation; but it was moved yesterday to go into a committee, to consider of the East India trade and how to improve the manufactures of the Kingdom. It is very probable that, in the conclusion, all wrought silks and calicoes from India may be prohibited, if it shall appear reasonable to be done. No favour or partiality will prevail in this House to the contrary." Vernon to Shrewsbury; Letters illustrative of the reign of William III., Vol. II., pp. 415–16. In a Return supplied by the Commissioners of the Customs, in obedience to an Order made by the House of Lords on the 12th of February, it was shewn that within a period of three years, 1696–1699, 4,177,859 oz., 15 dwt., of silver and 4,027 oz., 3 dwt., of gold, had been exported to India. No. **1506**.

† "This wholesome law greatly revived the drooping spirits of our own silk and stuff manufacturers." Annals of Commerce, &c., by David Macpherson, Vol. II., p. 709.

‡ *See* The Growth of English Industry and Commerce, Modern Times, Part I., Mercantile System, by W. Cunningham, D.D., pp. 463–466.

the importation of goods be beneficial or prejudicial."* The Woollen Manufactures, &c., (Export Duties) Act, which exempted from the payment of export duty all English woollen goods, as well as various kinds of corn and grain, is a good example of the commercial policy to which reference is made. The Act was passed first, for the encouragement of woollen manufactures, upon the improvement of which "and the profitable trade carried on by the exportation of the same," the wealth and prosperity of the kingdom was said largely to depend, and secondly, for the greater encouragement of tillage. There is an allusion to this Act in a Petition of Frances, Duchess Dowager of Richmond and Lenox† "and her under-farmers of the duty of subsidy and aulnage on woollen manufactures" who complained against certain of its provisions (No. **1539**). The Lords inserted an amendment for the protection of the Duchess, but did not insist upon it when it was objected to by the Commons.

The Bone Lace Act, 1697, Repeal Act, to which reference is made in No. **1544** was also designed for the encouragement of the English wool trade.‡ This Act was passed despite the protests of the English lace makers who complained that many families, and particularly such as had entered into the industry on the encouragement of the late Act would be ruined.

During this and the subsequent Session the two Houses were so much occupied in political controversy and in disputes with each other, that there was comparatively little legislation of a general character. There were, however, several Bills under the consideration of Parliament at this period which are worthy of attention.

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* *See* The Growth of English Industry and Commerce, Modern Times, Part I., Mercantile System, p. 405.

† This lady was the celebrated Miss Frances Stewart, "La Belle Stewart" of the Court of Charles II. She married Charles, Duke of Richmond and Lenox, as his third wife, in 1666–7, and died on the 15th of October 1702. Complete Peerage, Edited by G.E.C. Vol. VI., p. 361.

‡ This Act was a confession of our failure to protect our own lace industry. The Act of 1697 had been passed for that purpose. The people of Flanders retaliated by placing a prohibition on English woollen manufactures. The consequent loss of trade necessitated the passing of this Act by which foreign bone-lace was to be re-admitted into this country three months after the prohibition on English woollen manufactures in Flanders was taken off. *See* House of Lords MSS., Vol. III. (New Series) No. **1215**, and the Introduction to that Volume.

The Attornies Bill (No. **1482**) which was passed by the House of Lords on the 8th February 1699–1700, was based on some of the recommendations of a Committee, appointed in 1697–8 to consider methods to restrain the great expense and lengths of suits in the courts of Law and Equity. One of the points to which the attention of that Committee was particularly directed, was to devise a plan by which the number of attornies might be limited and their qualifications described. A Bill to effect this purpose, and to make other reforms in the procedure of the courts, was passed by the Lords, but thrown out after it had been read 2ª in the Commons on the 21st of May 1698.* The Bill of this Session was limited to an attempt to insure as far as possible that attornies should not be allowed to practise unless they were duly qualified and their names entered upon the rolls of their several courts. The Preamble of the Bill states that "the numbers of attornies and such as practise as attornies who have neither skill or integrity, are now increased to more than ever, so that they cannot subsist by their lawful practice, but for a livelihood are forced to promote unjust and vexatious suits, to the disquiet and impoverishment of many of his Majesty's good subjects, and especially the poorer sort." This statement was probably made owing to the congested state of business in the courts at Westminster, but, despite the notoriety of this fact, the Bill was dropped in the House of Commons. An attempt was, however, made to check "frivolous and vexatious suits in the Principality of Wales and the Counties Palatine" by a short Act which was passed this Session, providing that in all personal actions in which the jury found the damages to be under forty shillings, the plaintiff should not recover or obtain more costs of suit than the damages might amount to.† (No. **1519**). On the 26th May 1701 the Lords tried to make the same rule applicable in the inferior courts in England. They passed a Bill for this purpose and also to prevent suits being "commenced by process out of inferior courts when

* House of Lords MSS., Vol. III. (New Series). No. **1200**.

† This rule was already in force in the courts at Westminster under the provisions of 43 Eliz. c. 6. and 22 & 23 Car. II. c. 9., but was held not to apply to the inferior courts in England or to the courts in Wales.

the cause of action does not arise within the jurisdiction of such inferior courts." The Bill was rejected by the Commons on Second Reading (No. **1636**).

The Plate (Assayers and Standard) Bill (No. **1545**), which was sent up to the Lords on the 27th of March, was an attempt on the part of the provincial goldsmiths and silversmiths to secure the repeal of a provision in an Act "for encouraging the bringing in wrought plate to be coined," passed in 1696–7.* In Petitions to the House of Commons, the goldsmiths of Exeter and Chester complained that they could not exercise their trade because their plate was liable to be seized unless it bore the Britannia mark which, according to the terms of the Act, could only be affixed by the Goldsmiths' Company in London.† The Commons appointed a Committee to consider these Petitions, upon whose recommendations this Bill was introduced. The Bill, in addition to lowering the standard from 11 oz. and 10 dwt. of fine silver in every pound Troy to 11 oz. and 2 dwt. with 18 dwt. of alloy, proposed to incorporate the goldsmiths and silversmiths of York, Bristol, Exeter, Chester, Norwich and Newcastle-upon-Tyne, into Companies for the purpose of assaying and marking plate. The Bill was dropped in the House of Lords, probably on account of the evidence of Isaac Newton,‡ who was heard in C.W.H. on the 4th of April and stated that the Officers of the Mint were of opinion that, if the Bill were passed, it would encourage the melting down of money which it had been intended to restrain by the Act of 8–9 Will. III. "I am afraid the more plate is made the more danger the money will be in."§

On the 11th of April 1700 Parliament was suddenly prorogued. It was dissolved on the 19th of December without having met again. Almost immediately after the Prorogation the King, who, judging from the events of the Session, probably despaired of any respite from political agitation so long as

* 8–9 Will. III. c. 8. Fol. Ed.

† C. J., XIII. 96.

‡ He had been appointed Master of the Mint on 26 Dec. 1699. Luttrell's Diary, Vol. IV., p. 597.

§ An Act was passed on 12 June 1701 "for appointing Wardens and assaying Wrought Plate in the Cities of York, Exeter, Bristol, Chester, and Norwich." 12–13 Will. III. c. 4. Fol. Ed. This Act did not, however, alter the standard weight of silver.

L. Somers continued to be Lord Chancellor, deprived the eminent Whig statesman of the Seals,* which, after they had been refused by Chief Justice Holt and the Attorney-General, Sir Thomas Trevor, were given to Sir Nathaniel Wright, with the title of Lord Keeper.† William now seems to have determined to trust himself entirely to the Tory party. L. Godolphin returned to the Treasury, E. Rochester became Lord-Lieutenant of Ireland, and Sir Charles Hedges was made Secretary of State. The new House of Commons, which met on the 10th of February 1700–1, contained a large preponderance of Tories. On the following day the King addressed both Houses of Parliament (No. **1558**). He began by an allusion to the death of the Duke of Gloucester, which made it necessary that there should be a further provision for the succession in the Protestant line. He then called the attention of Parliament to the state of affairs abroad caused by the death of the King of Spain‡ and the declaration of the Duke of Anjou as his successor. "I make no doubt, but your resolutions thereupon will be such as shall be most conducive to the interest and safety of England, the preservation of the Protestant religion in general, and the peace of all Europe." He recommended that Parliament should see to the condition of the fleet "and consider what repairs or augmentations may be requisite for the navy, which is the great bulwark of the English nation, and ought, most especially in this conjuncture, to be put in good condition." On the 13th of February the Lords passed an Address, thanking the King for his Speech, and on the following day it was sent to the Commons for their agreement. On the 17th, a Conference was held between the two Houses, at which the representatives of the Commons informed the Lords that the House of Commons had already agreed upon a Vote to be presented to the King. On the same day the intercepted letter from L. Melfort to E. Perth was, by the King's order, presented to both Houses of Parliament. This letter§ evidently impressed the Peers with the reality of the Jacobite designs for the invasion of the

* Luttrell's Diary, Vol. IV., pp. 639, 640.
† Parliamentary History, Vol. V., pp. 1224–1226.
‡ Charles II. of Spain died on the 1st of November, 1700.
§ L.J., XVI. 598–600. *In extenso.*

country. A Motion was immediately carried "to thank the King for communicating this letter, and that he will give order for disarming disaffected persons, and desiring him to fit out a fleet with all speed, and assure his Majesty that this House will assist him in all things they can do." On the 20th of February E. Bridgewater, on behalf of the Board of Admiralty, laid before the House of Lords a statement with regard to the condition of the fleet (No. **1571**). According to this account there were at that time 29 ships of 50 guns and upwards, "at home in sea pay," as well as 6 fourth rate, 19 fifth rate, 13 sixth rate, and other smaller vessels employed abroad and on the coast of Ireland. The Board also reported that 69 other ships which were in a condition to be fitted out for sea, might be "despatched in two months or ten weeks' time, provided money be timely procured; . . . . . nothing will obstruct their going to sea but want of men, if the Commissioners for Victualling are supplied with money to enable them timely to procure provisions for them." The lowest complement for the 69 vessels was estimated at 28,716 men, the highest at 43,744. The Lords appointed a Select Committee to consider the state of the fleet, over which E. Rochester presided. The Commissioners of the Admiralty and of the Victualling Office were called in, and gave evidence with regard to the mobilisation of the fleet. They informed the Committee that there were eight ships already in the Downs, and also gave a list of 25 others which had been ordered to join them. In answer to a question as to what methods were proposed for the speedy manning of the fleet, Sir David Mitchell, one of the Commissioners of the Admiralty, handed in a written statement with regard to the system which had been pursued in 1695.* The Committee were evidently impressed with the efficacy of these methods, as a Motion appears to have been made in the House to address the King to carry out practically the same course on this occasion. On the 21st of February Sir David Mitchell told the Committee that it was usually the duty of the captains to find the men, but that sometimes "the Admiralty have ordered a Flag Officer

* This statement and the Motion made in the House with regard to it are quoted at length in the MS. Min., but do not appear in the Journal.

to do it."* Mr. Coleby, one of the Commissioners for Victualling the Navy, stated that his Department was preparing provisions for 10,000 men, and that when further orders were received additional stores would be prepared. From an account which was presented on the following day (Annex (*a*)), it appears that 29 ships were already victualled or in course of victualling. The Committee reported their proceedings to the House on the 21st of February, and a proposal was made for the appointment of a Joint Committee of the two Houses, "to consider the state of the fleet, and how to speed the fitting out a fleet in this conjuncture." This suggestion was not adopted, but certain recommendations were made and embodied in an Address to the King.† William, in his answer, stated that he had given orders in accordance with the recommendations of the House. The Lords, however, were apparently not satisfied with the rate of progress that was being made in getting the fleet ready, for on the 11th of March they sent for L. Haversham, one of the Lords of the Admiralty, and ordered that the Commissioners "do, with all convenient speed, lay before this House, the present state of the ships ordered for sea service; and that they continue so to do from week to week." Returns on this subject were accordingly presented to the House on the 13th of March, the 20th of March, the 28th of March, the 11th of April and the 24th of April. It is interesting to observe that in the first return the total number of ships is given at 83, with a complement of 21,466 (8,842 men borne and 7,303 mustered), whilst in the last return there are 101 ships, with a complement of 24,181 (22,069 men borne and 21,071 mustered).

In their Address to the King in reply to his Speech at the opening of the Session the Lords had asked that all treaties made between his Majesty and any other Prince or State since the late war might be laid before them. Accordingly on the 26th of February and the 6th of March various treaties and conventions were presented to the House (No. **1599**). On

* The Lords in the Address which they presented to the King recommended that this plan should be adopted on the present occasion. L.J., XVI. 605.

† L J., XVI. 605. *In extenso.*

the 12th of March a Motion was made that the Lord Chamberlain should humbly move his Majesty "that all matters any way relating to the negotiations of the treaties be laid before the House." On the following day various documents referring to the treaties were brought to the House and on the 14th of March the treaties were taken into consideration. It at once became apparent that the Lords were dissatisfied with the manner in which the negotiations for the Second Partition Treaty had been carried on. A Motion was made "to represent to the King that anything of this nature may be prevented for the future. This method of acting is not agreeable to our Constitution." A Committee was then appointed "to state the matter of fact that appear to this House upon this Treaty, and the methods taken on it, and then desire a Committee of the House of Commons to meet and consider the methods to prevent the like for the future." The Report of this Committee, which is printed in the Journal,* was considered by the House on the 15th of March. Two days later E. Marlborough acquainted the House that he had received the King's permission to speak, and stated some of the facts with regard to the framing of the Treaty. E. Pembroke, L. Somers, L. Halifax and E. Portland were also heard. Mr. Secretary Vernon then made a statement to the Committee which was reported to the House. On the 18th of March the Lords appointed a Committee to draw up an Address to the King and a proposal was then made to advise him never to treat with the French King "with any paper treaty, but have matters of act for the future." This suggestion was rejected by 38 votes to 31, but words of much the same character were introduced into the Address which was finally agreed to by the House on the 20th of March.† In this Address the Lords stated their objections to the Partition Treaty, protested against the manner in which it had been drawn up, and requested the King in the future "to impart all affairs, both at home and abroad," to a Council composed only of his natural born subjects.

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* L.J., XVI. 623.

† Burnet's History of his own Time, Vol. IV., pp. 470, 471. Oxford, 1883. L.J., XVI. 628.

In the House of Commons the opposition to the Partition Treaty was much more violent. The Tory majority, not content with expressing their disapproval of the Treaty, determined to punish the late ministers who were responsible for it. On the 1st of April they resolved to impeach E. Portland. A fortnight later Motions were carried to impeach L. Somers, E. Orford and L. Halifax.* These impeachments are dealt with in No. **1615**, in which details from the MS. Min. and Com. Book are given when they supplement or differ from the account of the proceedings supplied in the Journal. Popular opinion, which at first seems to have been against the ministers responsible for a Treaty that was supposed to be against the interests of British trade, appears to have veered round when it became clear that the action of the House of Commons was due far more to political rancour than to an honest wish to punish men who had betrayed the interests of their country.†

In the quarrel between the two Houses which arose with regard to the impeachments, the Lords held, therefore, a much stronger position than they had held in the dispute over the Irish forfeitures. On that occasion the action of the Commons in resuming the royal grants was supported by popular opinion, but in the matter of the impeachments it was soon quite clear that the majority in the House of Commons did not represent the opinion of the country.

There can be little doubt that the Commons would have dropped the impeachments if it had been possible, but the Lords, conscious of the strength of their position, were determined to try the issue. The four impeached Peers themselves moved for the trial. After much delay, the articles of impeachment were exhibited against E. Orford and L. Somers; those against L. Halifax were not exhibited until the close of the Session and those against E. Portland were never sent up from the House of Commons. The Lords went thoroughly into the question of precedents for such trials and appointed a Committee "to consider of the methods of impeachments

* C.J., XIII. 489, 490.

† E. Jersey and E. Marlborough who had signed the Partition Treaty, but who had now joined the new Government, were not impeached by the Commons. They both voted in favour of the impeachment of L. Somers.

for misdemeanours." They rejected a suggestion made by the Commons at a Conference to appoint a Joint Committee of the two Houses, maintaining that by all custom they had the power of directing the trial. They refused to exact any security from the impeached Peers that they would abide the judgment of the House, and they drew up an Address to the King requesting him "not to pass any censure or punishment against the four noble Lords who stand impeached of high crimes and misdemeanours until the impeachments depending against them in this House shall be tried."* At one of the Conferences which were held between the two Houses, L. Haversham made use of some strong expressions against the Commons for their action in the matter of the impeachments. The Commons seized on this as a further excuse for delaying matters and ultimately refused to attend the trial. On the 17th of June the Lords, by 56 votes to 32, formally acquitted L. Somers of the charges made against him. The names of all the Peers who voted are given in the MS. Min. L. Halifax and E. Orford, at their own request, were excused from voting, but E. Portland exercised his right to vote, pursuant to a Resolution of the House made on the 11th of June, which stated that no Lord impeached should be prevented from voting except on his own trial.† The Commons had protested against this at the Conference on the 13th of June, when Sir B. Shore argued that it was abhorrent to justice that men owning themselves guilty of the same fact should vote at each other's trial. On the 23rd of June E. Orford was unanimously acquitted; 43 Peers voted in his favour amongst whom was E. Portland. The Peers who objected to the proceedings of the House in this case, and, consequently, absented themselves from the division, were declared guilty of a great and wilful neglect of their duty. The following day the House dismissed the impeachments against E. Portland and L. Halifax and also the charge against L. Haversham.

The close of the Session put an end to any further quarrels between the two Houses. In the following February, after a General Election, a Committee appointed by the House of Commons to consider of the rights, liberties and privileges of that House, resolved, amongst other things, "That it is the

* L.J., XVI. 555. † L.J., XVI. 736.

opinion of this Committee that it is the undoubted right of every subject of England under any accusation, either by impeachment or otherwise, to be brought to a speedy trial in order to be acquitted or condemned."* The action of the House of Lords in the previous Session may therefore be said to have been justified by the vote of the House of Commons itself.

There are numerous papers in this Volume with reference to the American Plantations (Re-union with the Crown) Bill (No. **1634**), which during this Session was considered by the House of Lords. The introduction of this Bill was due, as the Preamble sets out, to the fact that the experiment of entrusting to certain grantees the "full power of exercising royal government and other jurisdictions" over the inhabitants of various plantations in America had "by experience, been found prejudicial and repugnant to the trade of this kingdom and to the welfare of his Majesty's other plantations in America, and to his Majesty's revenue arising from the Customs, by reason of the many irregularities committed by the governors of those plantations and by those in authority there under them, by encouraging and countenancing pirates and unlawful traders and otherwise."

In the previous Parliament, owing no doubt to the scandal revealed by the affair of Captain Kidd and to the reiterated demands of the East India Companies, which suffered most severely from the attacks of the pirates,† an Act (No. **1546**) had been passed for the more effectual suppression of piracy. Although the provisions of this Act were very drastic,‡ it does not seem to have had much effect. The colonists had no intention of being dictated to by the English Parliament, and the governments of the proprietary states were either

* C.J., XIII. 767.

† "The colonists of North America felt the grievance of being debarred from a direct trade with the East, and they showed scant respect to exclusive privileges conferred by a Parliament in which they were not represented. Though they were prohibited from having a part in legitimate trade, they could not be prevented from taking their chance of plunder. The extent to which piracy was developed by the colonists, with the connivance of some of the authorities, would be incredible, if it were not established by abundance of documentary evidence." Growth of English Industry and Commerce, by W. Cunningham, Modern Times, Part I, p. 271.

‡ "It defined the offence, overruled charters in constituting courts for its trial, and, should a charter governor fail to obey the new statute, declared the charter of his colony forfeited." History of the United States of America, by George Bancroft, Vol. II., p. 83. New York, 1885.

unwilling or unable to enforce the Statute. The letters of Colonel Quary, the Judge of the Admiralty Court in Pennsylvania, which are published in this Volume, sufficiently illustrate the difficulties of trying to maintain the jurisdiction of the Admiralty in those plantations which were not directly under the control of the Crown. But, in addition to the prevalence of piracy, there were other causes which induced the Commissioners of Trade to recommend "that the Charters of the several proprietors should be re-assumed to the Crown, and the colonies placed on the same footing as the other plantations." The Commissioners complained that the proprietary states did not conform to the Acts of Parliament for regulating trade and navigation; that they denied the right of appeal to his Majesty in Council; that they were beginning to trade in woollen and other manufactures proper to England "instead of applying their thoughts and endeavours to the production of such commodities as are fit to be encouraged in those parts, according to the true design and intention of those settlements" *; and, finally, that they neglected to put themselves into a state of defence against the enemy.† It was possibly this latter consideration as much as any other which led to the introduction of a Resumption Bill in the House of Lords at this period. The action of the Peers with regard to the navy proves that they realised that another war with France was imminent, and that consequently it was essential that attention should be given to the military defences of the colonies. The Bill was read on the 24th of April. Counsel and witnesses were heard for the Bill and also on behalf of Mr. William Penn and other proprietors who petitioned against the proposed measure. Mr. Montagu stated that the Bill

* England at this period was almost entirely dependent on Russia and Sweden for naval stores, and the Commissioners of Trade were endeavouring to promote a trade in such commodities from the colonies in America. *See* Nos. **1503, 1607, 1716.** In their Report to the House of Lords, however, the Commissioners come to the conclusion, "that though his Majesty's plantations are capable of furnishing naval stores of all sorts in great abundance, yet the first attempt of that kind will be very chargeable, and not to be effected without greater assistance from the public than the inhabitants of the plantations, or other private traders, are capable to furnish." *See* No. **1718.** In 1704 a bounty was offered on naval stores. History of the United States, by George Bancroft, Vol. II., p. 84.

† *See* the Report from the Commissioners of Trade to the House of Commons on the 27th of March 1701 (C.J., XIII. 446–449), and also their Report on the plantation trade, dated 16 Feb., 1701–2, No. **1718.**

was "founded upon the general reason that no power in the plantations should be independent of England." Mr. Phipps, who appeared for Sir Henry Ashhurst, agent for the colony of Connecticut, complained that if the charter were taken away, it would mean the "absolute dissolving of the colony." The same Counsel, who also appeared for Lord Baltimore, the proprietor of Maryland, stated that the Bill would ruin that nobleman and his family.* Mr. Penn himself was absent in Pennsylvania, but a proclamation issued by him against pirates was read by his Counsel, and a letter from him to the Lords of the Admiralty with regard to the allegations made against his government was laid before the House.† Despite the opposition, the Bill was read 2ª on the 23rd of May and committed. The Committee stage, however, was continually postponed, with the result that there were no further proceedings on the Bill until the 11th of June when, after a division, an Order was made to proceed with the Bill on the following day. There do not appear to have been any further proceedings during the Session.‡

On the 12th of June the King gave his consent to an "Act for the Limitation of the Crown and better securing the Rights and Liberties of the Subject" (No. **1651**). It is rather curious that this Act, which settled the succession upon the Electress of Hanover and her descendants, being Protestants, thus definitely precluding the possibility of the restoration of the House of Stuart, should have been the work of the Tory Party. It is still more surprising, and affords a striking example of the inconsistency of political opinion at this time, that the Tories should have taken credit upon themselves for the stringent limitations of the royal prerogative which are contained in the Act.§ The Bill was sent up to the Lords on the 14th of

* In his Petition Lord Baltimore stated that the revenue of the Crown profited to the extent of 60,000*l.* a year from the duties on tobacco from Maryland. *See* No. **1634** Annex (*f*).

† No. **1634** Annex (*l*).

‡ As a result possibly of this Parliamentary inquiry into the government of the proprietary colonies, the proprietors of East and West New Jersey gave up their right to appoint governors. Luttrell's Diary, Vol. V., p. 82.

§ *See* The History of the last Parliament began at Westminster the tenth day of February, in the twelfth year of the reign of King William, An. Dom., 1700. London, 1702. *See also* The Constitutional History of England, by Henry Hallam, Vol. III., pp. 246—266. London, 1832. The History of Political Transactions and of Parties, by Thomas Somerville D.D., pp. 567—578.

May. A week later it was considered in Committee with the Bishop of Salisbury in the Chair, and an attempt was made to insert two clauses. The first of these was to the effect that no future sovereign should "create or make any Peer of England that does not settle and annex by Act of Parliament to his honour" a definite sum of money, which was not to be alienated without the consent of Parliament. This provision may have been intended, by insuring that in the future all persons created Peers should be men of independent means, to prevent the possibility of any scandal arising from the bestowal upon them of grants of land or pensions by the Crown.* The second amendment provided that no woman should be created a Peeress in her own right. Neither of these proposals appear to have commended themselves to the House, for they were both negatived without a division.

The Prisons (King's Bench and Fleet) Bill (No. **1611**) was a fresh attempt to regulate the administration of these two Prisons—a matter which in one form or another had been under the consideration of Parliament since 1696.† The Commons' engrossment of this Bill, which was sent up to the House of Lords on the 24th of March 1700–1, is not amongst the records, but it is possible to obtain some idea of its provisions from the Reasons which the Lords drew up for the far-reaching amendments made by them.‡ These amendments were based upon the evidence of the Lord Chief Justice, who on the 3rd of May appeared before the Select Committee to which the Bill was referred. He admitted that there was great need for some measure of the kind, but argued that the Bill would not effect the purpose for which it was designed. "The Bill supposes country gaolers will be honester than the gaolers in town; but we find frequent complaints of them at the Assizes . . . . By this Act there is a charge on the sheriff which he is not now liable to. As the law now is, he is obliged to keep the prisoner no longer than he can bring the prisoner to the King's Bench or Fleet Prisons. If the sheriff die, the prisoner is in no man's

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* *See* Articles vii. and viii. in the Commons' impeachment of L. Somers. L.J., XVI. 691—2.

† House of Lords MSS., Vol. II. (New Series). Nos. **1049, 1111** and **1114**; and Vol. III. (New Series). Nos. **1199, 1299** and **1301.**

‡ L.J., XVI. 681.

custody till there be a new sheriff. This Bill dissolves the Prisons of King's Bench and Fleet, other than to take prisoners for contempt. Then the four courts in Westminster Hall have no prisoners or officers, if these Prisons be dissolved." On the 6th of May the Judges handed in certain clauses which were incorporated in the Bill, apparently without any complaint on the part of the promoters. The principal effect of these alterations seems to have been: first, to make it impossible to convey, grant or assign "the office of Marshal of the Marshalsea, being the Prison belonging to the Court of King's Bench," or the office of Warden of the Fleet without the consent and approbation of the courts at Westminster; secondly, to prevent the reserve of any rent or annual sums upon such grants or assignments to persons other than the actual grantee; and thirdly, to protect the interest of creditors by doing away with "the liberty of the Rules" of the two Prisons, except in certain special circumstances to be approved by the Judges. The Bill was read 3ª on the 10th of May, and five days later was delivered, with the Lords' Reasons for the amendments, to the Commons at a Conference. The relations between the two Houses were at this date rather strained in consequence of the impeachment of L. Somers and the other Whig leaders. This may account for the fact that the Commons never took these amendments into consideration, with the result that the Bill was dropped.

Two Bills, upon which the Lords and the Commons formed very different opinions, are referred to in No. **1678** and No. **1681.**

The first of these, the Justices of the Peace (Qualification) Bill, was rejected by the Lords after the Second Reading. It was brought from the Commons on the 14th of June. The object of the measure was to prevent any person from being appointed a Justice of the Peace for any county in England unless he had "lands or tenements of the clear yearly value of four hundred pounds within the Kingdom of England or Dominion of Wales, either in fee simple, fee tail, or for life or lives, or for years determinable upon life or lives, or copyhold of inheritance." In Wales and the county of Monmouth the qualification was reduced to two hundred pounds. The Commons complained that "persons of small

estates and mean education" had lately been made magistrates, and that the names of many persons of property and reputation had been removed from the Commission of the Peace. This policy was attributed, though apparently with no justification, to the political spite of the Lord Chancellor.*

The rejection of the other Bill to which attention has been drawn—the Public Accounts Commissioners Bill—was a matter of more difficulty, and would probably have led to a quarrel between the two Houses had not the Prorogation taken place at an opportune moment. On the 25th of February the Commons received the Report of the Commissioners who had been appointed under an Act of the previous Session "to take, examine and determine the debts due the army, navy and for transport service; and also an account of the prizes taken during the late war."† This Report was unsatisfactory, as it contained no account of the prizes taken in the late war, nor could any such account be procured. Two of the Commissioners, Paschal and Parkhurst, both of whom were members of the House of Commons, were examined and, as they refused to give any satisfactory explanation of their conduct, were committed to the Tower. An order was then made that a Bill should be prepared "for appointing and enabling Commissioners to take, examine and state the public accounts of the kingdom."‡ This Bill was read 3ª in the House of Commons on the 18th of June. On the 21st of June it was read 2ª in the House of Lords after a division.

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* Parliamentary History, Vol. V., p. 1224.

† 11 Will. III. c. 8. Fol. Ed.

‡ "It remains yet farther to be specify'd, That on the 25th of March, the Commons order'd a Bill, to take and state the public Accounts to be brought in: That on the 17th of April, the said Bill was brought in accordingly; and that in the course of the Session it was gradually completed: But in such a form, with such circumstances, and lodging the powers of it in such hands, as render'd it wholly unpalatable to the House of Lords. For in the first place, it not only continued the former Commission to state the Army, Ordnance, Transport and Prize-Accounts, but also superinduc'd another general Commission for taking, stating, and examining the Accounts of all money of the public Revenue of the Crown, and all other Accounts which were by all the former Acts of the Reign, or any of them, to be so taken. stated and examined: The Persons so to be employ'd by this Bill were Sir Godfrey Copley; John How, Esq.; William Bromley, Esq.; Sir Humphrey Mackworth; Sir Bartholomew Shower; Anthony Hammond, Esq.; and Dr. Davenant: All of them inexpressibly obnoxious to the whole Whig Party; and, consequently, such as could not expect the least favour, at such a time, from the House of Lords." Ralph's History of England, Vol. II., p. 973.

In Committee, Counsel were heard on behalf of Mr. Paschal, one of the imprisoned Commissioners, and other Petitioners. The Lords decided to leave out the severe clauses which the Commons had inserted with regard to Mr. Paschal and Mr. Whitaker, Solicitor to the Admiralty, the latter of whom complained that he had never been heard in his own defence. They also rejected the first two enacting clauses of the Bill, and inserted an amendment in favour of a claim made by Colonel Baldwin Leighton.* The Bill was returned to the House of Commons the same day. On the 24th of June a Motion was made in the Lords that an Address should be presented to the King to ask him to "empower the five Commissioners to execute the powers in the former Act, for taking and stating the public accounts, so far as by law they may."† The arrival of the King to prorogue Parliament interrupted any further proceedings, but on the same day the Commons disagreed to the Lords' amendments complaining that, by the action of the Upper House, "the supplie provided by the Commons for paying the arrears due to the army must, of necessity, be ineffectual till another Session of Parliament."‡

The proceedings of this Session made it clear to the King that he could expect no real support from the Tories either in domestic affairs or in his foreign policy. E. Rochester and the other Tory Ministers seemed unwilling or unable to manage the House of Commons. As early, therefore, as the 1st of September, William wrote a letter to E. Sunderland in which he suggested the possibility of calling a new Parliament. In his reply E. Sunderland stated that the Ministry grew more hated every day, and advised the King to return to England as soon as possible and send openly for L. Somers, who was "the life, the soul and the spirit" of the Whig Party, and could answer for it.§

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* In the first Session of the next Parliament, when this Bill was again sent up to the House of Lords, a Motion was made that a clause should be inserted on behalf of Colonel Baldwin Leighton in relation to a debt due to him. The Lords who expressed themselves as "unwilling to retard the said Bill by adding any clause thereto," appointed a Committee to draw an Address to the King on the Colonel's behalf. The Bill was passed without amendment. L.J., XVII. 21.

† L.J., XVI. 769.

‡ C.J., XIII. 640, 641. Parliamentary History, Vol. V., p. 1322.

§ *See* Hardwicke Miscellaneous State Papers, Vol. II., pp. 443–447.

On the 16th of September James II. died at St. Germain's and Louis XIV. immediately recognised his son as King of England. It is probable that this action on the part of the French King finally decided William again to appeal to the country in the hope that the popular indignation against France would result in the return of a majority in favour of war with that country. On the 11th of November he accordingly dissolved his fifth Parliament, which had only been in existence for one Session. The elections were fought with even more than the usual heat, and both political parties exerted their full strength, but in the end the policy of a dissolution was justified, and a majority was returned favourable to the King's interests.*

On the 31st of December William opened Parliament and in the Speech from the Throne, the last which he was destined to deliver in the House of Lords (No. **1690**), he took occasion to exhort both Houses "to avoid all manner of disputes and differences." "I should think it as great a blessing as could befall England, if I could observe you as much inclined to lay aside those unhappy fatal animosities, which divide and weaken you, as I am disposed to make all my subjects safe and easy as to any, even the highest offences, committed against me." He explained that the action of the French King "in owning and setting up the pretended Prince of Wales for King of England," and by placing his grandson on the throne of Spain, had brought about a most dangerous state of affairs which demanded the serious attention of Parliament.

The House of Lords immediately appointed a Select Committee to draw up an Address to the King in answer to his Speech. On the 1st of January the Address was agreed to by the House, and it was proposed that it should be signed by all the Peers. On the following day two Motions were made, the first to appoint a Committee to draw an Address to the King with regard to the question of the Spanish Succession, and the second to request the King to lay before the House the alliances which he had already made.† On the 5th of January E. Marlborough laid before the House copies of the treaties which had

* Parliamentary History, Vol. V., p. 1323.

† The second Motion is recorded in the MS. Min., but does not appear in the Journal.

been contracted with the Emperor, the States General, the King of Sweden, &c. (No. **1694**).

On the 9th of January a Bill "for the security of his Majesty's Person and Government, and for maintaining the Succession of the Crown accordingly to the two late Acts of Parliament," which had been prepared according to an Order of the House by L. Wharton and L. Haversham, was read 2ª (No. **1696**). This Bill was sent to the House of Commons on the 13th of January, but it was afterwards dropped in favour of a Bill for the same purpose* which came up from the Commons on the 20th of February (No. **1735**). This measure was in several respects more stringent than the Bill which had passed the House of Lords. It encountered some opposition in the Upper House, but was eventually passed without any very material amendment. In Committee an objection was made to the provision (Section ix.) which prevented a Peer from sitting or voting in the House of Lords unless he had taken the oath prescribed in the Bill, and a Motion was made to instruct the Committee "that the Bill be altered in this particular, that no oath shall be offered to deprive a Peer from sitting in Parliament." This Motion was lost on a division by 46 votes to 25, and a subsequent proposal to make the oath voluntary was lost by 39 votes to 33. Two attempts were then made to amend the form of oath. The first of these was to insert the words "and I will to the utmost of my power support, maintain and defend the Constitution and Government of this Realm in King, Lords and Commons, as it is by law established." The insertion of these words was negatived by 54 votes to 17. The second amendment was to add the words "I do swear that I will to the utmost of my power support and defend the Church of England as by law established in episcopacy." It was moved to add the words "with the toleration to dissenters." This was agreed to, but, on Question, the whole amendment was negatived without a division. A clause was then proposed to enable clergymen who, by declining to take the oath, might forfeit their livings by the 1st of August, to continue in possession of the profits until the 1st of December. This proposal was rejected by 35 votes to 15. The Bill was read 3ª on the 24th of February. Nine Peers protested against the measure.

* 13 & 14 Will. III. c. 6. Fol. Ed.

This Protest was considered by the House on the 3rd of March, and, after a long debate, the first Reason assigned for the Protest was ordered to be expunged. The remaining Reasons were allowed to stand.* The Bill received the Royal Assent on the 7th of March. Five days previous to this an Act had been passed for the attainder of the pretended Prince of Wales (No. **1705**). The Lords had inserted an amendment which, had it been accepted, would have included Mary of Modena, the widow of James II., within the scope of the attainder. The Commons objected to this amendment, on the ground that no one should be attainted of treason by means of a mere amendment to a Bill, which could not receive adequate consideration. The Lords, who at first insisted on their amendment, replied that it was entirely in accordance with the design of the Bill, "it being notoriously known that the pretended Prince of Wales had been bred up in the Romish superstition and encouraged to all acts tending either to the bringing the French Government into this kingdom or the dethroning his present Majesty as well by the influence of his pretended mother as of the French King." They also cited a precedent for the course they had pursued.† The Commons then demanded a Free Conference, to which the Lords agreed, and five Bishops were added to the thirteen other Peers who had drawn up the Reasons for insisting on the amendment, previously offered by the House. As a result of this Conference the Lords, on the 12th of February, withdrew their amendment, but on the same day a Bill to attaint Queen Mary was introduced into the Upper House (No. **1713**). The only difficulty which seems to have occurred to the Peers in passing this Bill was whether the Queen, who was a foreigner, could be attainted. The opinion of the Judges was taken upon this point, and was presumably favourable, as the Bill was passed, after a division, by 28 votes to 18. Fifteen Peers protested against the Bill because they complained that no proof had been given of the allegations which it contained. The Bill was read 1ª in the House of Commons and was then dropped.

* Protests of the Lords, edited by James Thorold Rogers, Vol. I., Introduction, pp. xxi., xxii., and pp. 161, 162.

† Viz., the case of M. Exeter (31 Hen VIII.), whose name was added to a Bill of Attainder in a clause inserted by the House of Commons and agreed to by the Lords.

The provisions of the Perjury Bill (No. **1712**), which was passed by the Lords this Session, were almost identical with those of a Bill for the same purpose, which, although it had been carefully amended with the assistance of the Judges, had been rejected by the House of Lords in 1694.* The Judges were again consulted on this occasion and were requested to draw up a clause to enable the aggrieved party in cases of perjury, made felony by the Act, to appeal. This clause was, however, rejected. On the Report stage the Lord Chief Justice was heard, and stated various inconveniences which might, in the opinion of the Judges, be caused by the Bill. The most important of these seems to have been that the measure would cause considerable delay at the Assizes and might discourage necessary prosecutions. Despite this unfavourable criticism, the Bill was passed, but in the House of Commons it was thrown out on Second Reading.

An Act (No. **1740**) to continue the Act of 1695–6 enabling Quakers to affirm, instead of making an oath in the usual form, became law this Session. The Bill was brought from the Commons on the 16th of February. In C. W. H., on the 25th of February, an attempt was made to insert a proviso to prevent any Quaker or reputed Quaker from holding "any office or place whatsoever" by virtue of the Act. This proviso and a clause to prevent any Quaker from voting for the election of a Member of Parliament were rejected, but another proviso which would have given to Quakers in the plantations the right of affirming in Courts of Law, was not accepted by the House. The Judges were called in, and stated that no inconvenience had been caused by the Act. A proposal was then made only to extend the Act for three years, but a Motion to continue it for 11 years, the period of time decided upon in the Commons, was ultimately carried by 32 votes to 20.

The Freeholders to Keep Arms (Shooting) Bill (No. **1743**) illustrates the fear of a Jacobite invasion that was felt at the time. The Bill, which was based on an Act passed in the reign of

* The introduction of the Bill in 1694 was probably due to the notorious perjury committed by various informers in the trial of the Lancashire and Cheshire Jacobites in the autumn of that year. Its rejection by the House of Lords led to a Protest on the part of several Peers. *See* House of Lords MSS., Vol. I. (New Series), Nos. **860, 881.**

† 7 and 8 Will. III., c. 34. Fol. Ed.

Henry VIII. for the encouragement of shooting with the longbow, provided that it should be lawful for any natural born subject of the realm who had taken the oaths of allegiance and supremacy and who possessed lands and hereditaments, the annual value of which was left blank, "to keep in his house one musket . . . . . and to use and exercise himself, his sons and menservants, in shooting at a standing mark with a single bullet," provided that he committed no breach of the peace and did not use "any gun for the shooting at or destroying any deer, conies, hares, pheasants, partridges or other game, contrary to the laws and statutes in such cases provided." The Bill was read 2ª on the 4th of March, but the Committee stage was never proceeded with.

The case of William Fuller (No. **1695**) affords a further proof of the uneasiness caused by the political activity of the adherents of the Pretender. In ordinary circumstances, it is unlikely that the Peers would have listened to the evidence of an adventurer, who, in 1692, had been declared to be an impostor by the House of Commons. Fuller had been imprisoned for three years, after which he had lived a precarious existence, and had employed his time in writing various pamphlets against the legitimacy of the Pretender.* After a searching inquiry, in which the informer was unable to produce any material evidence, or even the witnesses who were to support his charges, the House voted that his book should be censured, and he himself was handed over to the Warden of the Fleet. He was subsequently prosecuted, fined 1,000 marks, whipped and put in the pillory.†

There are not many cases in this Volume relating to the question of Privilege. The dispute alluded to in No. **1462** proved to be the first step in a very long law suit. L. Wharton complained that his servants had been attacked by persons who claimed the ownership of certain lead mines belonging to him in Arkengarthdale, in Yorkshire, and claimed a breach of

* Fuller was apparently always ready to furnish details as to any conspiracy. He petitioned the House of Lords in almost identical language in 1696, proposing to produce evidence against Sir John Fenwick, but no notice seems to have been taken of him at that time. *See* House of Lords MSS., Vol. II. (New Series). No. **1080.**

† *See* Dictionary of National Biography, Vol. XX., pp. 323–25.

Privilege. The law suit which ensued, ended only with L. Wharton's death in 1715.

The case (No. **1464**), in which E. Peterborough, who claimed the Northamptonshire estate of Mary, Duchess of Norfolk,* daughter of the late Earl, tried to prove a breach of Privilege because a servant of the Duchess had cut down underwood and killed some deer in Drayton Park, gave rise to two new Standing Orders.† Under the first of these, a Peer was compelled to pay the fees of the accused, if he failed to prove the breach of Privilege complained of; under the second, an oath had to be made at the Bar before any person, accused of committing a breach of Privilege, could be taken into custody.

In a Petition (No. **1527**), which was read in the House on the 2nd of March 1699–1700, the Dowager Lady Newport‡ claimed her Privilege as a Countess and Peeress of the Realm. She had been arrested for the debts of her son, who had been killed in the King's service. The two individuals who were responsible for the arrest were attached by Order of the House.

On the 11th of March 1699–1700 the Petition of a stone-mason named Benjamin Jackson (No. **1531**) was read. The Petitioner prayed that D. Devonshire might not be allowed to resume his Privilege in order to stop a suit which had been brought against him for payment of work done in building Chatsworth. There had been a previous suit, and the Duke had, in writing, promised to waive his Privilege in case of any future difference. He now, however, desired the House to be excused from waiving his Privilege, and the question was referred to the Committee for Privileges. It is probable that a settlement was arrived at between the parties, for no further proceedings seem to have taken place.

No. **1589** refers to a complaint made by L. Osborne (M. Carmarthen) that the "*London Post*" had printed a false

* E. Peterborough never got possession of these estates. They were left by the Duchess of Norfolk to her second husband, Sir J. Germaine. E. Peterborough withdrew his claims on condition that Sir John left them to his second wife.

† Standing Orders of the House of Lords, Nos. LXXXII. and LXXXIII.

‡ Lady Newport was the widow of Henry Blount, E. Newport, who died in 1679. She had previously married Edmund Mortimer, of Derbyshire, and was a daughter of John Briscoe, of Grafton, co. Kent. Complete Peerage, edited by G. E. C. Vol. V., p. 30.

statement concerning the movements of the "*Peregrine Yacht*," which had been built under his direction. The printer of the paper and the man who supplied the news were ordered to attend, but no further proceedings were taken.

In the case of Purchase v. Wilkinson (No. **1640**), the petitioner claimed the sum of 190*l.* from the defendant who had married the widow of his trustee. The defendant, who was Gentleman of the Horse to V. Hereford, claimed the Viscount's protection which the latter refused to withdraw. The whole question of Privilege turned on the point as to whether Wilkinson was in the position of a trustee, for in 1685 the House had decided that Privilege of Parliament ought not to be allowed to a Peer when in the position of a trustee.* After taking the opinion of two Judges who stated that Wilkinson was an executor and not a trustee, the House gave its decision in favour of Wilkinson.

On the 12th of June 1701, after many attempts on the part of both Houses, an Act received the Royal Assent "for preventing any inconveniences that may happen by Privilege of Parliament" (No. **1650**). Parliamentary Privilege gave not only to the Members of both Houses, but also to their servants, a right not to be sued in any court except for treason, felony or breach of the peace, during the course of the Session, and also for a period of at least 20 days both before and after the Session. This period of 20 days seems to have been gradually extended to 40 days.† Owing to the fact that there were frequent prorogations and long Sessions, the whole year became practically a time of Privilege, and there were in consequence continuous protests from traders and others, who complained bitterly of the hardships which the system entailed upon them. This Act took away all Parliamentary Privilege against legal prosecution in any court, except during the actual Session or during an adjournment of less than 14 days.‡

* Standing Orders of the House of Lords, No. LXVI.

† This period of 40 days was claimed in 1664. The Committee which considered the claim, left it to the House whether it should be 40 or 20 days, but no decision seems to have been arrived at. L.J., XI. 616. In 1670 a Bill was brought in to fix the period at 20 days, but it was not passed.

‡ The provisions of this Act were not so strong as those of a Bill which the House of Lords had tried to pass in 1696, which would have enabled a legal prosecution to take place at any time and would have permitted a trial at law during the Session provided that it were held within three miles of the place where Parliament was sitting. House of Lords MSS., Vol. II. (New Series). No. **1089.**

This Volume does not contain many local Bills or Acts of much interest.

The Brookfield and Newport Markets Bill (No. **1570**), which occupied the attention of a Select Committee of the House of Lords for some days, was an attempt by Sir Nathaniel Curzon to obtain Parliamentary confirmation for grants made by James II., by Letters Patent under the Great Seal, first to John Harvey and John Coell and their heirs to hold two markets weekly, and also to hold an annual fair "for the buying and selling of all manner of goods and merchandises" in a place called Great Brookfield, in the parish of St. Martin's-in-the-Fields; and, secondly, to John Bland and his heirs, to keep a market "for the buying and selling all and all manner of cattle, goods, merchandises, and things whatsoever (except live cattle)" on three days in the week, at a place called Newport Garden, in the same parish. The Bill was read 1ª on the 20th of February 1700–1. It was referred to a Select Committee on the 3rd of March, with an instruction to the Committee "to leave out everything relating to the Fair of St. James's." The Corporation of London strongly opposed the erection of a new cattle market. Their Counsel explained that, by a Charter granted to the City in the reign of Edward III., and confirmed by other Charters and Acts of Parliament, no market was to be erected within seven miles of the City. They insisted that the new Brookfield Market would ruin the trade of Smithfield, and called witnesses to prove that there was ample accommodation at the latter place for all the cattle required in London. They also pointed out that St. Bartholomew's Hospital, which derived part of its revenue from house rents round Smithfield, would suffer, if anything were done to depreciate the property in the neighbourhood. Counsel on behalf of E. Warwick, who owned property in Smithfield, stated that, if the market were removed, the Earl's rents would be reduced by about 400*l.* a year. The supporters of the Bill contended that Smithfield was not nearly large enough for the needs of London, and that, in the interests of the people of Westminster, it was necessary to have another cattle market.

The Bill was reported by the Select Committee, and the Third Reading was carried by 14 votes and 1 proxy to 12 votes

and 1 proxy. But on the Question, Whether this Bill shall pass?—it was rejected without a division.

The Lindsey Level Bill (No. **1597**) was an attempt to obtain the sanction of Parliament made by the descendants of certain adventurers, who in the reign of Charles I. had received a patent authorising them to drain 92,000 acres in Lincolnshire, on the understanding that they were to receive 24,000 acres for themselves. This marsh land, called the Lindsey Level, lay on the north side of the river Glen, and extended up to Lincoln. The original adventurers or undertakers, of whom the Earl of Lindsey was the chief, before the Civil War had drained more than half this land, and, in pursuance of their agreement, had received 14,000 acres. During the war, however, the inhabitants of the neighbouring towns, who objected to the scheme, took possession of these lands and broke down the embankments and sluices. The representatives of the undertakers now wished to have statutory powers to recover their land, and also to finish the draining within a period of five years, in order to receive the remaining 10,000 acres. Two Bills for this purpose had passed the House of Lords in 1660 and 1661,* but had been dropped by the Commons. On this occasion also the opponents of the scheme were strong enough to prevent the Bill from passing into law. It was not until the middle of the 18th century, when various local draining Acts were passed, not without opposition, that the country began to be reclaimed.†

During the Session of 1700–1 an Act was passed for supplying the town of Deal with water (No. **1644**). A fresh supply seems to have been urgently needed owing to the growing importance of Deal, lying as it did in close proximity to the great shipping roadstead, the Downs. There were two competing schemes, those of Mr. Rider and Mr. Warner. Rider claimed his right under a Patent from James II., but until Warner started his scheme, he had done nothing under the powers he had been granted. Warner was supported by the Archbishop of Canterbury, who was lord of the manor, and also by the inhabitants of the town. Bills promoted by Warner

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* L.J., XI. 201, 292.

† *See* Dugdale's History of Embanking and Draining. London, 1772.

failed to pass the House of Lords in 1699* and the House of Commons in 1700. A Bill which was promoted by Rider in 1700, was also rejected by the Commons. The Archbishop, who was heard by the Committee against Rider's Bill of this Session, appears to have expressed his disapproval of the scheme in strong terms. "I desire the Patent may be damned, if that's a good word." He explained that the Patent had been granted when the Bishops were in the Tower, but that Archbishop Sancroft had opposed it as much as possible. Despite the opposition of the Archbishop, the Second Reading was carried by a narrow majority, and, after certain changes had been made in the Preamble, of which no record seems to have been kept, the Bill was passed.

In the St. Martin's-in-the-Fields Improvement Bill (No. **1664**), mention is made of the first public library erected in London. It was built by Wren about the year 1685 at the instance of Archbishop Tenison, who at that time was Vicar of St. Martin's. Owing to the fact that the ground was a churchyard, the library, which was built of brick, was raised on columns in order that the ground might still be available for burials. This churchyard lay on the west side of St. Martin's Lane, adjoining Castle Street† and behind the Royal Mews on the site upon which part of the National Gallery now stands. There appears to have been no opposition to the Bill in either House. It was strongly supported by Archbishop Tenison, who in a letter addressed to the Bishop of London (No. **1670**) stated that the King had given his consent to the introduction of the Bill. The Bill was accordingly read 3ª on the 5th of June, but on the 12th the Royal Assent was withheld.‡

In 1702, an Act was passed for the improvement of Southwark or Suffolk Place (No. **1728**). The buildings in Suffolk Place had been erected early in Henry VIII.'s reign by Charles Brandon, Duke of Suffolk, as his residence Queen Mary gave the property to Heath, Archbishop of York,

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* House of Lords MSS., Vol. III. (New Series). No. **1415**.

† The contents of this library, 4,000 books, were sold in 1861 for 2,000*l*. *See* Evelyn's Diary, edited by Austin Dobson, Vol. III., p. 123, note. London, 1906.

‡ A Bill, almost identical with this one, received the Royal Assent in 1702–3. It has been impossible to discover any reason for the King's consent being refused on this occasion.

in return for York House, Westminster. The Archbishop sold Suffolk Place and most of the original buildings were pulled down. The property, which was then bought by Broomfield, Lord Mayor of London, whose son married the daughter of Thomas Lant, seems to have passed into the possession of the Lant family. This Bill was promoted by Thomas Lant to enable the owner to make long leases in order that the buildings on the property might be improved.*

A Bill for finishing the chapel in Hatton Garden (No. **1754**) was read 1ª on the 6th of March 1701–2. The parish church had become too small and Mr. Cavendish Weedon offered to complete the interior at a cost of 1,000*l.*, on condition that he had the right of patronage to the chapel. There were no further proceedings on the Bill.

Over seventy Estate Bills were introduced during the period covered by this Volume.

An attempt, made by Sir Charles Bickerstaff in February 1699–1700 to obtain the leave of the House to enable him to sell his estate by lottery, was rejected (No. **1501**). An Act of 1699 for the suppression of lotteries had put a stop to proceedings of this kind after the 29th of December 1699.† Bickerstaff's property probably lay in Kent, for on the 18th of December 1699 a Petition from several promoters of lotteries in various counties, praying for leave to complete their lotteries, was presented to the House of Commons. Bickerstaff is mentioned in this Petition as the promoter of the Kentish Lottery.‡

Bowyer's Estate Bill (No. **1626**) was introduced to enable Sir John Bowyer, of Knipersley, who was under age, to vest his estate in Staffordshire in trustees, in order to make marriage settlements.§ According to this Bill, which was brought from the Commons on the 15th of April 1701, Sir John was about to marry a lady with considerable wealth. The Bill was read 2ª on the 16th of April, and would, no doubt, have passed the Lords, had not Sir John, in the same month, died of small pox. His estate went to his uncle on whose death the baronetcy

* Timbs' Curiosities of London, p. 741.
† 10 Will. III., c. 23. Fol. Ed.
‡ C.J., XIII. 71.
§ The estate was said to be worth 2,500*l.* per annum. Luttrell's Diary, Vol. V., p. 44.

died out and the Knipersley estates ultimately passed into the possession of the Gresley family.

Ettrick's Estate Act (No. **1737**), which received the Royal Assent on the 6th of May 1702, enabled Anthony Ettrick to sell certain of his late wife's estates. In 1698 he had attempted to sell them, but, owing to the opposition of the relations of Mrs. Ettrick and of John Knott, who claimed to have been married to her previously, the Bill had been negatived.* In the four years which had elapsed, the opposition seems to have been withdrawn, as Mrs. Ettrick's relations were now in favour of the Bill. The House of Lords was careful only to allow a small part of the estate to be sold, and also to ensure that the whole of the money thus procured was laid out in other lands. Mr. Ettrick was allowed 500*l.* in order to settle an annuity of 50*l.* on his daughter during his lifetime.

There are several Divorce or Separation Acts in this Volume. In 1700 the Duke of Norfolk made a third and successful attempt to divorce his wife (No. **1511**). Bills for this purpose had failed to pass in 1692 and 1693. The Duke, on this occasion, had the support of E. Peterborough, the Duchess's cousin and head of her family, who had violently turned against her after her exposure of his intrigue in Sir John Fenwick's case. The proceedings on the Bill are fully described in Howell's State Trials; the entries in the MS. Min. are, therefore only given where they supplement that account or the reports in the Journal. The Duke died of apoplexy in the following year, and the Duchess then married the co-respondent in this case, Sir John Germaine.‡

In the following year the Countess of Anglesey, who subsequently brought in a Bill for separation from her husband,

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* House of Lords MSS., Vol. III. (New Series). No. **1261**.

† *See* 14th Report of the Historical Manuscripts Commission, Appendix, Part VI., No. **524**, No. **642**. Burnet accounts for the failure of these Bills, to the fact that the Duchess was a Papist and a busy Jacobite, and that in consequence she received strong political support. But, as L. Dartmouth remarks in a note to this statement, Burnet found Jacobite influence predominant in all transactions, and he, therefore, suggests that the family interest of the Duchess and the fact that the Duke's character was none of the best, were the probable reasons for the failure of the previous Bills. Burnet's History of his own Time, Vol. IV., p. 222. It must also be remembered that Divorce Acts were exceedingly rare. The only two Divorce Acts mentioned in the Journals before 1692 were those of M. Northampton in 1552 and L. Roos in 1670.

‡ Germaine, who came over with William, is stated to have been the son of a private in William's guards. Evelyn describes him as a Dutch gamester who had got much by gaming.

began her suit by petitioning the House that the Earl should not be allowed his Privilege in order that she might institute a cause of separation against him for cruelty in the Ecclesiastical Courts (No. **1564**). On the previous day E. Anglesey had complained to the House that six persons in disguise had "rushed in at his back doors" and carried off his wife. He had also stated that Chief Justice Holt had exacted 8,000*l.* as security from him, as the peace had been sworn against him. On the following day the Chief Justice and the Countess of Dorchester, Lady Anglesey's mother, were examined by the House and various affidavits were read. The Petition was then dismissed and the House ordered that there should be no entries made relative to the matter. Ten days later the Countess presented her Petition for a Bill for a separation from her husband, and, after a vain attempt had been made by the House to reconcile the parties, leave was given to bring in the measure. The proceedings on the Bill, as given in the MS. Min. and in the Com. Book, will be found in No. **1591**. Counsel were heard on both sides and the case occupied the House for a considerable time. The evidence seems to admit of no doubt as to the cruelty of E. Anglesey. The Bill was read 3ª on the 29th of April 1701, after a proviso had been inserted to prevent the Earl from insisting on any Privilege against its provisions.

Numerous Naturalization Bills were introduced during the years 1700—1702, the great majority of which passed into law. Many of the persons naturalized in these Acts were Protestant soldiers whose regiments had been disbanded on the reduction of the army, and who could not find any employment in England without being naturalized; many others were, as usual, refugees, who had suffered on account of their religion. The Whigs were generally supposed to be in favour of Naturalization Bills as the foreign Protestants were as a rule their supporters,* and even sound Tories like Dr. Davenant seem to have welcomed foreign emigrants, on the ground that all countries, which possess colonies, must encourage the immigration of foreigners to make good the drain on their population caused by emigration to their colonies.†

* Somerville's History of Political Transactions, p. 564.

† Discourse on the Plantation Trade, Political and Commercial Works, by Charles Davenant, Vol. II., p. 7. London, 1771.

Amongst those who were naturalized at this time was James Bogdani (No. **1510**). This well known painter, several of whose pictures are at Hampton Court, had apparently been in England for over 30 years at the date of his naturalization. In the Act he is described as the son of Lewis Bogdaine, and Susanna, his wife, of Epperia, in Upper Hungary. He was usually known as "the Hungarian."

Amongst the numerous Appeals which appear in this Volume, three cases connected with the clothing of the soldiers are of some interest (Nos. **1578, 1614,** and **1635**). At this period a certain portion of every man's pay, known as the net "off reckonings," were made over to the colonel of each regiment for the clothing of the men. The "off reckonings" which the colonel had at his disposal, seem to have amounted to about 2*l.* 8*s.* per man for the year, out of which had to be provided not only the actual garments, but also the sword belt, bayonet and ammunition box. The system of "off reckoning," dated back to the time of Queen Elizabeth, when the sum of 4*l.* 2*s.* 6*d.* was deducted from each man's pay to provide two suits a year. It is plain that the sum allowed for clothing was insufficient and that a colonel, who tried to do his duty, must almost inevitably have been a loser. The result of this state of things was that regimental colonels as a rule used to employ contractors who paid commissions to them to obtain the business and then made their profit by supplying the soldiers with very inferior clothing.* The working of the system was so unsatisfactory that in Ireland William had tried the experiment of clothing the regiments himself, but apparently the attempt had not been very successful.†

On the 23rd of May 1701 a Petition was presented to the House of Commons on the subject by several colonels.‡ The petitioners complained that no allowance was made at the Pay Office for a man's clothing after he ceased to be on the muster rolls although a Minute had been made in the Council that the money for clothing should be paid to the end of the year, even if a regiment were disbanded within that period. The Committee

* History of the British Army, by the Hon. J. Fortescue. Vol. I., pp. 318–320.
† Calendar of State Papers. Domestic Series. 27 Feb. 1691.
‡ C. J., XIII. 561.

appointed to inquire into the matter, reported that the colonels had given the clothiers assignments of the clothing pay upon the Paymaster General and had then concluded that the acceptance of those assignments had relieved them from any further responsibility in the matter, but that the clothiers had brought actions against the colonels and had obtained verdicts at law against them.* It was no doubt the action of the Paymaster's Department which led to the present proceedings at law.

In the case of Tily *v.* Wharton (No. **1633**), the House of Lords granted the appellants a new trial. Sir Joseph Tily, who had married the widow of Sir John Roberts, Bart., appealed against two decisions in equity. The first decision was that a bond for 1,500*l.*, made out in favour of Eunice Wharton by Sir John Roberts, her great uncle, was not forged, as alleged by Tily. The second decision was that, as the bond was genuine, satisfaction ought to be given to the Whartons out of Sir John Roberts's estate. Tily had pressed for another trial which had been refused by the Courts below, on the ground that, if a new trial were granted and there were a verdict against the bond, the Whartons might with as much reason ask for another trial, with the result that matters would be endless. The House of Lords, however, granted a new trial.† The bond was declared to be forged, and the House then reversed the previous decisions given against Tily.

The case of Dr. Thomas Watson, Bishop of St. David's, who had been convicted of simony, again occupied the attention of the House in March 1699–1700 (No. **1523**). In 1698, in a charge brought against the Bishop by Robert Lucy, the Registrar of his diocese, the House had decided that the Bishop was not entitled to claim his Privilege.‡ Since that date the Archbishop of Canterbury, and also the Court of Delegates, had decided against the Bishop, and sentence of deprivation with 663*l.* costs had been pronounced against him. The Bishop had then sued for a Writ of Prohibition in the

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* C. J., XIII. 594.

† "This week was a great trial at the King's Bench Bar, which held all day between one Mr. Wharton, plaintiff, and Sir Joseph Tily, defendant, whether a bond for 1,500*l.* was forged, and the jury (Sir Thomas Grantham, foreman), gave a verdict for the defendant." Luttrell's Diary, Vol. V., p. 104.

‡ House of Lords MSS., Vol. III. (New Series). No. **1284.**

Court of King's Bench, and, upon the refusal of that Court to interfere, he now attempted to bring a Writ of Error into the House of Lords against that refusal. Counsel were heard at length on both sides, and the House also consulted the Lord Chief Justice, who was of opinion that no Writ of Error lay in this case. The House eventually decided against the Bishop, and leave to bring in the Writ of Error was refused.*

* Burnet's History of his own Time, Vol. IV., pp. 405–407, 448–450.

CUTHBERT HEADLAM.
J. B. HOTHAM.

INTRODUCTION TO THE JOURNAL OF THE PROTECTORATE HOUSE OF LORDS.

The MS. Journal of the Protectorate House of Lords, which is now published for the first time, belongs to the interesting Cromwellian Collection formed by the late Sir Richard Tangye. It was thought desirable that the Journal should be published amongst the documents of the House of Lords, and Sir Richard gave his permission for it to be printed as an Appendix to the present Volume of the Calendar. Since his death his executors have confirmed this permission.

The MS. Journal which extends over the whole period of the existence of the "Other House" in the time of the two Protectors, is written in several hands. It appears to be the draft of the Minutes of the proceedings in the House, such as was at that period, and still is, made by the Clerk at the Table, and from which the Journal of the House is afterwards compiled. It does not, therefore, contain anything more than a brief summary of the work done by the Protector's Second Chamber. During the short Session of Oliver Cromwell's Parliament this did not amount to very much, but there is evidence in the MS. Journal to show that in the time of his successor the "Other House" was by no means idle. As this is the only account which is known to exist of the proceedings of this short lived Assembly,* it has been decided to print the MS. at length, and as far as possible in the exact form in which it appears in the original.

On the 25th of May 1657 Oliver Cromwell gave his consent to the Humble Petition and Advice, and in the following month to the Additional Petition and Advice.† By these two legislative measures the Protector at last secured, not only the Parliamentary sanction for his Government which he had so long desired, but also a Second Chamber which he judged to be absolutely necessary to protect the people of

* Old Parliamentary History, Vol. XXI., pp. 169, 263.

† Constitutional Documents of the Puritan Revolution, selected and edited by Samuel Rawson Gardiner. Oxford, 1906, pp. 447–464.

England against the tyranny of an omnipotent House of Commons, "the horridest arbitrariness that ever was exercised in the world."

Cromwell and his friends confidently hoped that the new House of Lords would act as a bulwark between the chief of the Executive and the elected branch of the Legislature, and so prevent any encroachments by the latter upon the liberties guaranteed to Englishmen by the new Constitution.*

The duty of nominating the members of the Second Chamber was, after considerable discussion in the Commons, conferred on the Protector.† It was a task of much difficulty, as it was essential that the new Lords should personally be well disposed towards the Protector, and also that they should represent as far as possible the various interests which supported the Commonwealth.‡ Cromwell only completed his

* "The other House is to bee called by writt in the nature of the Lord's House, but is not to consist of the old Lords, but such as have never been against the Parliament, but are to bee men feareing God and of good conversation, and such as his Highnes shall bee fully satisfyed in, both as to their interest, affection, and integrity to the good cause. And wee judge here that this House thus constituted will bee a great security and bullwarke to the honest interest, and to the good people that have been engaged therein; and will not bee soe uncertaine as the House of Commons which depends upon the election of the people. Those that sitt on the other House are to bee for life, and as any dye, his place is to bee filled up with the consent of that House it selfe, and not otherwise, so that if that House bee but made good at first it is likely to continue soe for ever, as farre as man can provide." *See* Thurloe to Monk, March 5, 1656–7; The Clarke Papers, edited for the Royal Historical Society, by C. H. Firth, M.A., Vol. III., p. 93.

† This point had been settled on the 24th of June when it was resolved by 90 votes to 41 to leave the choice of the new lords entirely to the Protector. *See* Diary of Thomas Burton, Esq., Vol. II., pp. 298–301. C.J., VII. 573.

The principal argument in favour of this decision was that it would be unwise to have the qualifications of the new Lords discussed in the House of Commons. "The real reason for this consideration of the feelings of possible members of the Other House seems to have been the hope that the old Lords who had adhered to the Parliament's cause during the Civil War would consent to take their seats in the new House, and the fear lest the necessity of being approved by the Commons should deter them from accepting." In this debate Major-General Desborough also suggested that it would be wiser to leave the matter entirely to the Protector because too many members of the House of Commons would like to be lords themselves. *See* "Cromwell and the House of Lords," by C. A. Firth, Macmillan's Magazine, December, 1894, and January, 1895, which contains much information with regard to the constitution and proceedings of the Other House.

‡ *See* Thurloe to Henry Cromwell, 10 November 1657; Fleetwood to Henry Cromwell, 24 November 1657; Thurloe to Henry Cromwell, 1 December 1657; Thurloe's State Papers, Vol. VI., pp. 609, 630, 648. London, 1742.

list of nominees on the 10th of December, the day on which it was necessary to send out the writs of summons.*

At the beginning of the MS. Journal there is a copy of the writ of summons addressed to Richard Cromwell,† and the names of 61 other persons are given to whom it is stated that the like writs were directed.‡

The new House was eminently representative of the most important interests upon which the Government of the Protector depended. In addition to his sons and other relatives, it

* On 26 June the Commons made an Order that the Commissioners for the custody of the Great Seal of England, with the advice of the Judges should "prepare and frame a writ, for summoning the members of the Other House of Parliament." C.J., VII. 576. According to a newsletter published in the Clarke Papers (Vol. III., p. 127), the answer of the Judges, when consulted upon this matter, was "that until his Highness did accept of the title of King, noe legall writs could be made, nor house of Peeres constituted." This difficulty must have been overcome as the writs were sealed up on 10 December. The form of words adopted in the summons was the same as that which had been used in summoning Peers to Parliament, The opinion expressed by the Judges on this occasion may, however, have given currency to the idea prevalent at the time that the Protector intended to make himself King with the assistance of his new Lords. *See* Calendar of State Papers, Domestic Series, Commonwealth, Vol. CLXXIX., Nos. 5 and 11.

† This writ is identical with the writ published in the Parliamentary History (Vol. XXI., p. 166), except that it is dated 9 December instead of 10 December.

‡ This list includes Richard Hampden and William Lenthall who are not mentioned by either Whitelock or Thurloe. *See* Whitelock's Memorials, p. 666. London, 1732. Thurloe's State Papers, Vol. VI., p. 668. It also includes Gilbert Pickering, George Fleetwood and Thomas Cooper, who are mentioned by Whitelock, but not by Thurloe. It does not, however, contain the name of John Clerke, who is said by Thurloe to have been one of the Lords, and whose name also appears in the list of the Other House printed in the Parliamentary History (Vol. XXI., pp. 167, 168). According to the MS. Journal, Clerke did not attend in the House of Lords during the Protectorate either of Oliver or of Richard Cromwell. His name does not occur in the list of Lords summoned to the latter's Parliament, which is referred to in the Cal. of State Papers, Dom. Series, Commonwealth, Vol. CC., No. 66. Other authorities state that Major-General Kelsey, General Lambert, and Sir Thomas Widdrington were summoned to sit in the Other House. *See* Noble's Memoirs of the Cromwell Family, Vol. II., p. 520, note. Birmingham, 1714. *Cf. also* a letter from V. Fauconberg to Lockhart, January 25—February 4, 1657–8, in which he states that "Lord Lambert and Sir Art. Heselrigg appeared to-day in the Lower House, though summoned to the other. without ever waiting on his Highness to excuse it." Cal. of State Papers, Dom. Series, Commonwealth, Vol. CLXXIX., No. 37. The names of Lambert, Kelsey and Widdrington do not occur in the MS. Journal. It is possible that Lenthall, George Fleetwood, Cooper, Pickering, Sydenham and Hampden were not amongst those who were originally chosen by the Protector, but all of them, with the exception of Pickering who does not appear to have taken his seat in Oliver Cromwell's time, took the oath on 20 January. A curious story with regard to Lenthall is given by Ludlow which seems to prove that he at any rate was not amongst those first chosen to sit in the Other House. *See* Ludlow's Memoirs, edited by C. H. Firth, M.A., Vol. II., pp. 31, 32.

contained seven Peers of England, one Irish Peer and one Scottish Peer, who had supported the Parliamentary cause, as well as four Baronets and several country gentlemen of good family and position. The Army was represented by the inclusion of many officers on the active list, and there were also representatives of the legal profession and of the official and commercial classes.* Only 42 Lords, out of the 62 summoned, appear to have taken their seats. On the 2nd of February 1657-8, when the House was called over, adequate reasons were given for the absence of 9 of these,† but the 11 others did not trouble themselves to send any explanation for not having obeyed their writs of summons.‡ The House, on a division, resolved that the absent Lords should "be required on this day three weeks to give their attendance on the service of this House," but two days later the Protector dissolved Parliament.

Oliver Cromwell's House of Lords was only in existence for a fortnight. During this period it held 13 meetings for the despatch of business, at which the average daily attendance of Lords numbered 35.

At nine o'clock in the morning on the 20th of January 1657–8, Nathaniel Fiennes, John Lisle, Henry Lawrence, General Desborough, Colonel Philip Jones and Bulstrode Whitelock "came into the little room within the Painted Chamber" in the House of Lords.§ These Lords had received

* *See* Cromwell and the House of Lords, by C. H. Firth, Macmillan's Magazine, January 1895. An account of Cromwell's Lords is given in Noble's Memoirs of the Cromwell Family, Vol. II., pp. 465—520, and also in a Tract entitled, "A Second Narrative of the Late Parliament" printed in the Harleian Miscellany, Vol. III., pp. 475—488. It was unfortunate for the Protector that he was obliged to take many of his principal supporters from the Commons to form the Other House and that the Humble Petition and Advice had restored so many of his enemies to their seats in the Lower House.

† *Viz.*, Henry Cromwell, George Monck, Oliver St. John, William Steele, Francis Rous, Gilbert Gerrard, William Lockhart, Alexander Johnston of Warreston, and Matthew Tomlinson. The two last-mentioned Lords attended the House very regularly during the Protectorate of Richard Cromwell.

‡ *Viz.*, E. Warwick, E. Manchester, E. Mulgrave, E. Cassillis, V. Saye and Sele, L. Wharton, Gilbert Pickering, William Pierrepont, Arthur Haslerig, Alexander Popham and John Crew. None of these ever obeyed their writs of summons with the exception of Pickering who sat in Richard Cromwell's Parliament.

§ Some details with regard to the furnishing of the House of Lords for the meeting of the new Assembly, which was to be done as cheaply as possible, are supplied in an Order made by the Council on 14 Jan. The total cost seems to have amounted to 200*l.* Cal. of State Papers, Dom. Series, Commonwealth, Vol. CLXXIX., No. 16.

a Commission under the Great Seal authorising them, or any three or more of them, to administer to the persons summoned to the new House of Lords the oath set out in the Additional Petition and Advice.*

This Commission, for which a blank space is left in the MS. Journal, was read out by the Clerk of the Commonwealth in Chancery. The oath was first taken by the Commissioners, and then administered by them to 35 other Lords who were also present. On the same day the Protector came down to the House, and, after the Commons had been summoned, formally opened Parliament. Blank spaces are left in the MS. Journal for the insertion of the speeches delivered by Cromwell and Fiennes on this occasion.†

On the 21st of January, after L. Berry had taken his seat "next to Joh. Lord Hewson on the bench in the second row on the left-hand"‡ and prayers had been said, Fiennes took his place as Speaker and moved for the appointment of one or more ministers to pray in the House every day. Six ministers were appointed for this task. An Order was then made to keep the 27th of February as a day of fasting and humiliation.

Having thus attended to their spiritual needs, the Lords following the practice of the old House of Lords (the procedure of which they seem always to have endeavoured to adopt as far as possible) appointed a Committee for Privileges, and also a Committee for Petitions which was to have the same powers "that formerly Committees for Petitions had." Three Judges were appointed by name to assist each of these Committees.§

A Petition of Nicholas Corsellis, a London merchant, praying that his wife Mary Susan Baldey, of Leyden, in the

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* Constitutional Documents of the Puritan Revolution, p. 463.

† *See* Oliver Cromwell's Letters and Speeches, w th Elucidations, by Thomas Carlyle, Vol. III., pp. 320–327. London, Chapman and Hall, 1866. *See also* Whitelock's Memorials, pp. 666—672.

‡ It is interesting to observe the strict attention which is invariably given in the MS. Journal to the precedence of the Lords. Their precedence was apparently regulated by the order in which their original writs of summons had been issued; but the old Peers and Lords who held official positions, seem to have taken rank above the others. *See* the proceedings in the MS. Journal with regard to the call of the House on 2 Feb. 1657–8.

§ Old Parliamentary History, Vol. XXI., p. 169.

Netherlands, might be naturalized, was then read, and leave was given for a Bill to be introduced for the purpose.*

On the 22nd of January three Judges were ordered to prepare a Bill "for making entailed lands liable to the payment of debts with such just and necessary limitations and provisions as shall be thought fit." This Bill does not appear to have been presented to the House. On the same day a Bill was read 1ª, "for the better levying the penalties for profanation of the Lord's day." It was read 2ª, apparently after some debate, and referred to a Committee on the 26th of January. The same Committee was also directed to take into consideration the laws against swearing and drunkenness, and to bring in a Bill to supply any defects in them or for their better execution.†

These two Bills are the only attempts at legislation, made by the Lords during this Session, of which there is any record in the MS. Journal.

On the 22nd of January the "Other House" tried to enter into communication with the Commons. A Motion was carried "that this House does desire the House of Commons to join with them in an humble Address to his Highness the Lord Protector that his Highness will be pleased to appoint a day of solemn fasting and humiliation throughout the three nations."§

Two Judges were sent to the Commons with this Message. The Lords then adjourned for half an hour, presumably in the hope of receiving an answer from the House of Commons. But, if this were their intention, they were doomed to disappointment. The Judges, as they explained to the

* This Bill was read 1ª on 25 January. It was read 2ª, and referred to a Committee three days later. This Committee was appointed to meet on 2 February. There is no further record of the Bill in the MS. Journal.

† A Committee was appointed by Richard Cromwell's House of Lords to consider these subjects. *See* MS Journal, 31 January 1658–9.

‡ In a letter, dated 12 February 1657–8, Richard Cromwell, who had been elected Vice-Chancellor of Oxford University in succession to his father, wrote to Lenthall asking him to introduce a Bill in the House of Lords for keeping up the old laws, customs and statutes in cases which were formerly in Ecclesiastical Courts, and without which there would be a failure of justice. Cal. of State Papers, Dom. Series, Commonwealth, Vol. CLXXIX., No. 35. No Bill for this purpose appears to have been presented to the House.

§ Whitelock's Memorials, p. 672. Burton's Diary, Vol. II., pp. 339, 341. The Clarke Papers, Vol. III., p. 134, note.

House the following day, were kept waiting for an hour before they were called into the House of Commons to deliver their Message. They were then told to retire, and, after further delay, were again called in and informed that the Commons would send an answer by Messengers of their own.

On the 25th of January Fiennes informed the House that he had received a letter from the Protector summoning the two Houses to attend upon him at Whitehall. This letter is set out at length in the MS. Journal. In the afternoon of the same day accordingly the Lords and Commons met the Protector, "who made a most pathetic speech, showing a necessity of laying aside formalities, and to mind to the Protestant interests beyond seas, and the settling of the Commonwealth at home."*†

On the 3rd of February a Motion was carried in the Upper House to present an Address to the Protector asking him to issue a proclamation for removing disaffected persons from London. After some debate, it was moved that a Message should be sent to the Commons to ask them to join with the Lords in this Resolution. A Committee, consisting of John Lisle, Desborough and Onslow, was then appointed to prepare a suitable Message. The Committee forthwith drew up a Message requesting the Protector to issue a proclamation, by advice of both Houses of Parliament, commanding all Papists and other suspected persons "to depart out of the cities of London and Westminster and the late lines of communication and twenty miles of the same, and not to return to the said cities or either of them during the space of three months, nor to any other place within the limits aforesaid, save only to such place or places in the country where such person or persons aforesaid have habitations." This Message was agreed to by the Lords and sent down to the House of Commons by two Judges attended by the Clerk of the Commonwealth.‡

* Mr. Hartlib to Dr. Pell, 28 Jan. 1657–8; The Protectorate of Oliver Cromwell, edited by Rob. Vaughan, D.D., Vol. II., p. 438. *See also* Oliver Cromwell's Letters and Speeches, Vol. III., pp. 329–347. Burton's Diary, Vol. II., 351–371.

† On 30 Jan. Whitelock states that the Lords took into consideration the state of foreign affairs and that he gave them a full account of his negotiations in Sweden. There is no reference in the MS. Journal to any debate upon this subject. Whitelock's Memorials, p. 672.

‡ *See* Bordeaux, the French Ambassador, to Cardinal Mazarin; Thurloe's State Papers, Vol. VI., p. 778. Burton's Diary, Vol. II., pp. 438, 441. The Clarke Papers, Vol. III., p. 135.

On the following day Cromwell, to the surprise even of his friends, decided to dissolve Parliament.* His appearance in the House of Lords was evidently quite unexpected, as the Clerk apparently had only had time to enter the name of one Lord, Richard Cromwell, on the list of those present, when the Protector arrived and took his seat on the Chair of State. The Judges were sent for, and Cromwell addressed a few words to the Lords present "taking notice therein of their faithfulness to the public interest and readiness to carry on the Government as it is settled in the Humble Petition and Advice, so as he could charge nothing on them as having been wanting in what might tend to the good of the Commonwealth." The Commons were then summoned and the Protector, after laying upon them the blame for the failure of the new scheme of government, dissolved Parliament.†

The sudden dissolution of Parliament was probably forced upon Cromwell more by the threatening aspect of affairs outside the two Houses than by the tactics of the Republican leaders in the Commons in refusing to recognize the "Other House."‡ The conduct of the opposition was, doubtless, a bitter disappointment to the Protector, but, unless there had been other causes to influence him, he would scarcely have been justified in putting an end so speedily to the existence of Parliament.§

After prolonged consultations with his principal advisers, Cromwell eventually made up his mind to summon another Parliament. But, although he seems to have arrived at this resolution comparatively early in the spring of 1658,‖ he was in no hurry to fix a date for the new Parliament to meet. On the 15th of June Fleetwood, in a letter to Henry Cromwell, stated that it would be called together in September. The illness and death of the Protector's daughter,¶

* *See* L. Fauconberg to Henry Cromwell, 9th Feb. 1657-8; Thurloe's State Papers, Vol. VI., p, 788. Whitelock states that the Protector's action was against his advice. Whitelock's Memorials, pp. 672, 673.

† Oliver Cromwell's Letters and Speeches, Vol. III., pp. 347–353. *See also* the version of the speech given in The Clarke Papers, Vol. III., pp. 136–139.

‡ *See* Mr. Hartlib to Dr. Pell, 11 Feb. 1657–8; The Protectorate of Oliver Cromwell, Vol. II., pp. 441, 442. Whitelock's Memorials, pp 672, 673.

§ Life of Oliver Cromwell, by Samuel Rawson Gardiner, pp. 309, 310.

‖ Mr. Hartlib to Dr. Pell, 18 Feb. 1657–8, 1st April 1658–9, 5th May. 1658–9; The Protectorate of Oliver Cromwell, Vol. II., pp. 444, 455, 460. The Clarke Papers, Vol. III., pp. 145, 151. Thurloe's State Papers. Vol. VII., pp. 99, 100, 144, 153, 176.

¶ Lady Claypole. *See* Thurloe to Henry Cromwell, 27 July 1658; Thurloe's State Papers, Vol. VII., p. 295.

and his own ill-health further delayed matters,* with the result that no steps had been taken towards summoning Parliament, when Cromwell himself died on the 3rd of September.

Although Oliver himself might perhaps have been able to continue to govern without parliamentary assistance for some time longer, it was obvious that his son had no other alternative before him but to summon Parliament. His succession to the office of Protector had been accepted peacefully throughout the country, but the uncertainty which prevailed with regard to the future action of the Army and the financial embarrassment of the Government, made it absolutely essential that Richard should have the assistance of Parliament.† On the 30th of November Thurloe wrote to Henry Cromwell in Ireland, to inform him that on the previous day the Protector's Council had advised him to call together a new Parliament, and, in a subsequent letter, dated the 14th of December, he explained that the intention of the Government was to adhere to the constitutional arrangement laid down in the Humble Petition and Advice.‡

Meanwhile the Republican leaders were actively organizing their opposition to the Protector. They intended once more to attack the new House of Lords, recognizing that the existence of that Assembly was the weak spot in the constitution of the Protector's Government.§

Parliament met on the 27th of January 1658–9, on which day, at about eight o'clock in the morning, the majority of the Lords who had appeared in the previous Parliament took the oath.‖ Immediately afterwards the House accompanied

*_See_ Thurloe to Henry Cromwell, 17 Aug. 1658; Thurloe's State Papers, Vol. VII., p. 320.

† On 27 July 1658 Thurloe in a letter to Henry Cromwell, explained the financial distress of the Government "We are at that passe for money, that we are forced to goe a beggінge to particular aldermen of London for 5 or 6,000_l._ to send to Dunkirke, and I feare we shall be denyed." Thurloe's State Papers, Vol. VII., p. 295.

‡ Thurloe to Henry Cromwell; Thurloe's State Papers, Vol. VII., pp. 541, 562.

§ Thurloe to Henry Cromwell; Thurloe's State Papers, Vol. VII., pp. 550, 589.

‖ The Lords were "summoned by the like writ as they had before." Whitelock's Memorials, p. 676. During the interval between the two Parliaments, E. Warwick, E. Mulgrave, Thomas Pride and Francis Rous had died. These vacancies in the House of Lords were probably not filled up, as there appear to have been only 56 members in the time of Richard Cromwell. Cal. of State Papers, Dom. Series, Commonwealth, Vol. CC., No. 66. Henry Cromwell was not a member of his brother's

the Protector to Westminster Abbey to hear a sermon. When this was over, Richard returned to the House of Lords and sent for the Commons. He then delivered a speech, which created a very good impression.* A blank space is left in the MS. Journal for the insertion of this speech, and also for that delivered by Fiennes on the same occasion.†

On the two following days the business in the House of Lords was purely formal, but on the 31st of January a Committee was appointed "to peruse the Acts and laws already made against cursing, swearing, breach of the Sabbath and drunkenness, and to see wherein the same are defective and have need to be supplied, and to consider of such provisions as are necessary to be made therein and report it to this House."‡ On the same day a Bill was introduced "for recognizing his Highness, the Lord Protector, and disclaiming the title of Charles Stuart and all other the issue of the late King."§ This Bill was read 2ª, and referred to a Committee the following day. On the 3rd of February L. Lenthall reported the Bill, as amended by the Committee, to the House. The Committee considered it advisable to leave out

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House of Lords. L. Eure and V. Fauconberg were again the only members of the old Peerage who obeyed their writs of summons. St. John, Gerrard, Crew, Popham, Pierrepont, Monck, Steel, Hobart and Lockhart never took the oath. Haslerig remained in the House of Commons. Forty-two Lords took their seats. There were 64 sittings of the House, at which the average attendance of members was about 27.

* *See* old Parly. Hist., Vol. XXI., pp. 265–269. Burton's Diary, Vol. III., p. 2. The Clarke Papers, Vol. III., Preface, pp. xxiv, xxv, and p. 176. Lord Somers' Tracts, Vol. VI., pp. 443–446.

† On this occasion a question seems to have arisen as to whether it had been customary to report to the House the Speech made by the Sovereign on the opening of Parliament. On 28th January it was moved to report his Highness' Speech, and an Order was made "That the Journals be looked into to see whether the Chief Magistrate's speech spoken in this House did use to be reported to the House or not."

‡ An Act "for the better observation of the Lord's Day," had been passed as recently as 26 June 1657, C.J., VII. 577. An Act had been passed in 1650, imposing "punishments for profane swearing and cursing," and a further Act had been passed in 1654, empowering the Commissioners for the Customs "to punish drunkenness and profane cursing and swearing in persons employed under them." *See* Scobell's Acts and Ordinances, p. 123, p. 320. London, 1658.

§ On 1 February, in the House of Commons, Thurloe introduced a Bill to recognize the Protector. C. J., VII. 596. It was debated at considerable length. *See* Burton's Diary, Vol. III., pp. 26–32, 86–152, 155–201, 204–232, 256–287. Thurloe to Henry Cromwell, 8 February; Thurloe's State Papers, Vol. VII., p. 609. It was not until 14 February that Richard "was voted Chief Magistrate, with such boundary and qualifications, as shall be sett."

the clauses which related to the exclusion of Charles, and, they must also have made some other alterations in the Bill, as a Protest by L. Johnston of Warreston is recorded in the MS. Journal "against the amendment restraining the exercise of the office of Chief Magistrate according to the Humble Petition and Advice, so far as concerns matters of religion especially in Scotland." The House agreed to the amendments made by the Committee, but ordered that a separate Bill should be brought in for disannulling the title of Charles Stuart. The Bill for recognizing the Protector was passed on the 5th of February. The Bill "for disclaiming and disannulling the pretended title of Charles Stuart, etc.," was read 1ª on the 11th of February. Four days later it was read 2ª and referred to a Committee. On the 17th of March L. Desborough reported the Bill to the House with some amendments made by the Committee. These amendments, the nature of which is not recorded in the MS. Journal, were accepted by the House and an Order was made for the Bill to be ingrossed. The Bill was passed on the 22nd of March.

On the 1st of February an Order was made for a Bill to be brought in "for confirmation of the public sales, which have been made by the Commonwealth, of the lands of the late King, etc., Bishops, Deans and Chapters and Delinquents." Mr. Earle, the Protector's Serjeant-at-Law, was directed to prepare this measure, and two of the Judges were desired to peruse the same and report it to the House. This Bill was read 2ª and referred to a Committee on the 29th of March, but it seems doubtful whether the Committee ever met. No further reference is made to it in the MS. Journal until the 14th of April, when an Order was made for its revival, but there is no record that the Bill was reported to the House.

The 4th of February was kept by the Lords as a day of fasting and humiliation. Four days later a Committee was appointed "to consider of the law for restraining the use of the book of common prayer and to offer to this House what they think fit for putting the same more effectually in execution.'*

* "Those they call Lords meet and adjourn, and consult about making a catechism, and make speeches against playes and the common prayer book. But all men's eyes are upon the Commons; for it

The MS. Journal contains no entry to show that this Committee made a Report to the House, but on the 14th of April a Bill to abolish the book of common prayer was read 1ª. On the 15th of February the House was acquainted "that notwithstanding the laws against stage plays and interludes yet there are stage plays, interludes and things of the like nature called opera acted to the scandal of religion and of the covenant." A Committee was immediately appointed to report to the House in what way the laws against stage plays, &c., might be made more effectual, but it seems to have made no Report on the subject.* On the 21st of February Fiennes informed the House that he had received a command from the Protector to communicate to the Lords a Report with regard to foreign affairs, upon which his Highness desired their advice.† On the following day and also on the 25th of February this Report was debated in the House, with the result that the Lords made two Resolutions, recommending the preparation of a strong fleet for the preservation of the trade of the country and "for mediating a peace between the Kings of Sweden and Denmark." These Resolutions are set out in the MS. Journal.

On the 3rd of March the House appointed a Committee to consider what provision should be made for indemnifying any persons who since the last Act of Indemnity had done anything by order of the Protector or his Council for the safety and peace of the Nations, and to prepare a Bill for their protection if necessary.§ On the 14th of March an Order was made "That the several Committees to whom there have been any matters

is clearly foreseen, the petition and advice will not support the other House for want of expression rather than intention." John Barwick to Sir E. Hyde, 16 Feb. 1658; Thurloe's State Papers, Vol. VII., pp. 615, 616. On 8 Feb., Fleetwood wrote to Henry Cromwell, "We are very silent in our House, and little probability, that we shall be owned." Ib. p. 602.

* The performance of stage plays and interludes had been suppressed, and actors ordered to be committed to the common gaol and punished as rogues, by two Acts of Parliament passed in 1647. Scobell's Acts and Ordinances, pp. 106, 107, 135.

† This Report is not set out in the MS. Journal. Doubtless it contained the same information as the account of foreign affairs given by Thurloe to the Commons on the same day. C.J., VII. 606.

‡ On 18 March Fiennes was directed to offer the resolution with regard to the separation of the fleet to the Protector as the advice of the House. A week previously Edward L. Montagu, "a Member of this House and one of the Generals at Sea," had been given leave of absence in order to take command of the Fleet which was about to set sail.

§ The last Act of Indemnity "to such as have acted for the Publique" appears to have been passed in 1656. Scobell's Acts and Ordinances, p. 449.

referred or committed by this House, do expedite their several Reports and make Reports to the House as speedily as may be." Two days later L. Desborough presented a Bill of Indemnity, which had been drawn up by the Committee. The Bill was read 2ª on the 23rd of March and was again referred to a Committee.

On the 14th of March a Bill" concerning the Other House of Parliament, limiting the number, rights and privileges of the persons sitting in that House" was presented.* The MS. Journal states that this Bill was opened and "the subject matter of it approved" before it was read 1ª. It was read 2ª on the 15th of March and referred to a Committee, but there do not appear to have been any further proceedings.

On the 21st of March there is an entry in the MS. Journal, from which it would appear that the Lords were anxious to claim a voice in matters of finance, for on that day a Committee was appointed "to search among the Records of this House what precedents there are that anything hath arisen from this House in order to the lessening any charge upon the people either in point of time or quantity." This Committee does not appear to have met.

On the 30th of March notice was taken of the absence of several Lords, and it was moved that a day should be appointed for calling over the House. This Motion was negatived, but an

* "London, March 17.—A Bill brought into the House of Lords for declaring of those that are summoned, and such as hereafter shall be summoned by his Highnesse and approved by the Houses, nott exceeding the number of . . . . to bee the Other House of Parliament, formerly called the House of Lords, and to have all the priviledges belonging thereunto, and not limitted by the Petition and Advice, butt withall, that none of their heires nor the heires of any others, shall claime, right to sitt in that House, unlesse they bee first summoned and approved as aforesaid." Newsletter, signed E.S.; The Clarke Papers, Vol. III., p. 185. Mr. Firth points out in his article on "Cromwell and the House of Lords," to which reference has already been made, that there was nothing in the institution of a Second Chamber, which necessarily conflicted with the political principles of the Puritans, so long as its members made no claim to hereditary authority. Cromwell himself carefully distinguished between hereditary honours and hereditary authority. It is evident also that he did not intend that the bestowal of an hereditary dignity should necessarily mean that the recipient should receive a writ of summons to the House of Lords. He is known to have created two hereditary peerages. Charles Howard was made a Viscount, and Edmund Dunch was created Baron Burnell. Whitelock also states that the Patent to confer the title of Viscount upon him was signed by Cromwell in August 1658, but that he declined the honour. Whitelock's Memorials, p. 674. Viscount Howard sat in the "Other House," but it is interesting to note that Burnell was not summoned to their House of Lords by either of the Protectors.

Order was made "That all the members of this House as also the Judges' assistants and the other assistants of this House be required to give their daily attendance upon the service of this House."

On the 8th of April Fiennes informed the Lords that he had received a letter from the Protector to be communicated to the House. This was read by the Clerk, and, as usual, a space is left blank in the MS. Journal for the insertion of the actual words of the letter, and also for the Representation of the General Council of the Army, which was enclosed with it.* Three days later the House took into consideration the matters alluded to by the Protector. His letter and the Representation were referred to a Committee, which was appointed "to consider of some necessary provision to be made for securing the nation against the common enemy and to offer the same to the House to-morrow morning for their further consideration."

On the following morning L. Whalley reported that the Committee had met, but "could not be ready with such Report by the time limited them." An Order was accordingly made that the Report should be ready the next day. It was not, however, until the 18th of April that L. Keeper Lisle, who was apparently Chairman of the Committee, reported "the draft of an Act enjoining Papists and other persons who have borne arms under the late King, &c., to depart out of the cities of London and Westminster, &c., and prohibiting horse races and cock matches." This Bill was immediately read 1ª. On the 19th of April it was read 2ª, and committed. At the beginning of the afternoon sitting of the House on the 21st of April, L. Keeper Lisle reported the Bill as amended by the Committee. An objection was made that it would be out of order to consider the Bill, as the House had already made an Order that the debate, adjourned on the 20th of April, upon certain Resolutions brought

* This letter and the Representation were presented on the same day by the Speaker to the House of Commons. C.J., VII. 632 On 14 April Whitelock writes that "On the sixth of this month, a Representation was signed by all the officers of the Army, and afterwards presented to His Highness, setting forth *their want of pay, the insolences of the Enemies, and their designs, together with some in power, to ruin the Army and the good old Cause, and to bring in the Enemies thereof; to prevent which and to provide against free quarter, they desire his Highness to advise with the Parliament, and to provide effectual remedy.* Now there being yet nothing done hereupon, the Soldiers began to speak high and threatening." Whitelock's Memorials, p. 677.

from the Commons should be the first Order of the day. On Question, however, it was resolved to take the Bill into consideration without delay. The amendments made by the Committee were accepted, and, after the House had filled up certain blanks which had been left for the insertion of dates, the Bill was ordered to be engrossed.

The Resolutions of the House of Commons,* to which reference has just been made, were sent up to the Lords for their concurrence on the 19th of April.†

After the Messengers from the Commons had been informed that the Lords would send an answer by Messengers of their own, a Motion was made "that the consideration of these votes shall be taken up without any other business to intervene," upon which the Previous Question was moved and carried. The division appears to have been a close one, but the exact numbers are not stated in the MS. Journal.‡

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* It was the passing by the House of Commons of these two Resolutions which were designed to restrain the power of the military leaders that hurried on the quarrel between the Parliament and the Army and led to the downfall of the Protector. C.J., VII. 641. Burton's Diary, Vol. IV., pp. 448–459.

† The House of Commons had resolved on 28 March by 198 votes to 125 "to transact with the persons now sitting in the Other House, as an House of Parliament during the present Parliament; and that it is not hereby intended to exclude such Peers, as have been faithful to the Parliament, from the Privilege of being duly summoned to be members of that House." C.J., VII. 621. The Republican leaders had fought desperately to prevent the recognition of the Lords. For the debates on this subject, *see* Burton's Diary, Vol. III., pp. 349–369, 403–424, 509–548, 550–578, 594. Vol. IV., pp. 7–41, 47–89, 277–293, 335–349, 351–359. Ludlow's Memoirs, Vol. II., pp. 58–61.

‡ The first communication between the two Houses was on 14 April, when a Message was brought from the Commons "by Mr. Grove and a great number of other Members," to desire the concurrence of the Lords in a Declaration which the Commons had passed for a General Fast. A description is given in the MS. Journal of the way in which the Commons' Message was received by the Lords. Ludlow complains that the ceremonies of presenting it "were the same that had been formerly used to the Peers on the like occasion." The manner in which Messages were to be carried to the Other House had been much discussed in the Commons. *See* the Resolutions of the House upon this subject on 6 and 8 April. C. J., VII. 626, 627, 632. Old Parly. Hist., Vol. XXI., p. 338.

‡ "I am told the other house was in a great consternation upon receipt of these resolutions of ours, and were so high, as many moved to lay them aside, and it was carried but by one voice to the contrary, which I somewhat admire; for without doubt, if they disagree with us in these, a farther transaction may be doubtful." Dr. Thomas Clarges to Henry Cromwell (undated); Thurloe's State Papers, Vol. VII., p. 657. Whitelock states that the votes were derogatory to the House of Lords and distasteful to the Army. The difficulty of the position of the Lords with regard to these Resolutions is obvious, when it is remembered that the majority of the members of the House were prominent soldiers. It was, no doubt, this fact which, as one of the Royalist agents suggests to

On the 20th of April, after notice had been taken "that divers of the Lords who were present yesterday are now absent," and directions had been given to the Gentleman Usher to send notice "unto such of the Lords as can be met with that the House doth expect their presence," the Resolutions of the House of Commons were taken into consideration.* After a debate had been held on the first Resolution, a Motion for the adjournment of the House was carried. It was then moved that the House should meet again in the afternoon of the same day. This Motion was carried, and the debate was accordingly resumed in the afternoon, but no result was arrived at, and the discussion of the Resolutions was again adjourned.

On the following day there was no business of any kind in the House of Lords, and on the 21st of April the debate was once more adjourned until the next day. On that day L. Keeper Fiennes informed the House that he had received a Commission from the Protector, directed to himself, L. Keeper Lisle, L. Keeper Whitelock, L. Lawrence, L. Fleetwood, L. Desborough and John, L. Jones, to dissolve Parliament. The Commissioners immediately took their places on a form between the Chair of State and the Woolsack, and a Message was sent to summon the Commons. Then the House, "taking notice that the Gentleman Usher had stayed very long without returning any answer," ordered him "to knock at the door of the House of Commons and let them know he is required to desire admittance or to return an account to the House." The Gentleman Usher eventually returned and stated that he had knocked and received no answer "and now the House of Commons is risen." The Commissioners then formally dissolved

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Sir E. Hyde, encouraged the Army "to their late interposition into the affairs of State, wherein they durst not so well have medled, if they had been obnoxious to the power of one house alone, who in some heat might in an hower's time have voted them all out of their commissions; whereas now it must pass two houses, and in the later find 22 great officers of the army besides other favourers, though I doe not say that all of them approve what the councell of officers have done." Thurloe's State Papers, Vol. VII., p. 662. *See also* Sir Philip Warwick's Memoirs, pp. 391—392. London, 1701.

* According to the list in the MS. Journal, there were three more Lords present on this occasion than on the previous day, viz., Whitelock, Barkstead and George Fleetwood.

Parliament, and a constitutional experiment, unique in the history of England, had ended in failure.*

Professor Firth most kindly gave me much valuable information with regard to the Protectorate House of Lords. I have received the greatest assistance in the work of preparing the document for publication from Mr. H. P. Norris, copyist in the Parliament Office.

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* Whitelock states that Richard's fall which immediately followed the dissolution of Parliament, was due to the intrigues of his own relations, notably Fleetwood and Desborough, and that he himself and others advised the Protector not to get rid of the Parliament. Whitelock's Memorials, p. 677, Clarendon's account agrees in the main with Whitelock's. History of the Rebellion and Civil Wars in England, Vol. III., p. 516. Oxford 1704. But a letter, written by Nehemiah Bourne, who claims to have had special knowledge with regard to the inner councils of the army, gives a different version of the affair. "He affirms positively that the movement originated with 'the generality of the officers of the army' instigated by the republican party outside it, not with the superior officers." *See* The Clarke Papers, Vol. III., Preface, p. xxvii., and Appendix C., pp. 209—217.

CUTHBERT HEADLAM.

THE

MANUSCRIPTS

OF THE

HOUSE OF LORDS.

1457. Nov. 16. King's Speech.—Draft of King's Speech on opening Parliament this day. L. J., XVI. 476. *In extenso.*

1458. Nov. 16. Garter's Roll.—A Roll of the Nobility of England delivered to the Clerk of the Parliaments. *Signed* Tho. St. George, Garter. It contains 166 names. *Parchment Collection.*

1459. Nov. 16. Writ of Summons (D. Bolton).—Writ of Summons to Charles, D. Bolton. *Dated* 1 June 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 477.]

1460. Nov. 16. Poor (Defrauding by Select Vestries) Bill.—Draft of an Act for the preventing of the Poor being defrauded, and redress of several other abuses. Practically identical with the Poor Relief (Select Vestries) Bill, 1698*; but the proviso as to burial fees and pew rents, and that as to the glebe, at the end of the Bill, are here crossed out. [Read 1ª this day. L. J., XVI. 477. There were no further proceedings.]

Annexed:—

(*a*) Breviate of the Bill.—The Bill sets forth that in many parishes and places great evils happen from Select Vestries by misapplying money for relief of the poor. It therefore enacts that from henceforth, in all places where Select Vestries have been held, they do meet together in their respective parish churches, and there elect and appoint so many as have been accustomed for their respective parish of the most discreet inhabitants to be vestrymen for one year, and to do and perform all lawful acts belonging to such place or office. There is a clause directing the notice which shall be given for the choice of such persons as are fit to be vestrymen. There is another clause that the parson, vicar, curate and churchwardens for the time being shall be members of every such vestry, and the parson, or, in his absence, the vicar or curate, shall be chairman thereof, and are empowered to call before them former vestrymen

* House of Lords MSS., Vol. III. (New Series), No. 1325.

1699. — No. 1460. and others who have possessed themselves of the poor's money, and to examine their accounts, which if not found just, complaint may be made to the Justices at their Quarter Sessions for them to hear and redress the same. *Endorsed* Breviate, Vestry Bill.

1461. Nov. 16. Jackson *v.* Warren.—Petition and Appeal of Samuel Jackson, executor of John Warren, Esq., deceased. The Testator, John Warren, having an estate worth 400*l.* a year at Wells, in Wexford, and being a widower and childless, made a Will leaving it to Hugh Warren on payment of 5,000*l.* to Petitioner, the executor, for payment of several legacies to his relatives, or Hugh might elect to accept a legacy of 500*l.* in lieu of the estate. The Testator died on 10 June 1693, and Hugh, who was then present, possessed himself of over 400 guineas which the Testator kept in his house. He also took 800*l.* and some jewels belonging to the Testator, as well as all the writings connected with the property. He subsequently went to England and then elected to receive the legacy of 500*l.* The Petitioner exhibited a Bill in the Chancery of England to compel him to give up the writings and account for the personal estate and money in his possession. Hugh, in his Answer, offered to join with Petitioner in the sale of the estate, but avoided the discovery of the money. A year afterwards he exhibited a Cross Bill, pretending that a codicil had given him the estate on payment of 4,500*l.*, and praying to be allowed to change his mind and take the estate for that sum. On the hearing, the pretended codicil was disproved. Hugh then took possession of the lands by force, and exhibited his Bill in the Chancery in Ireland to the same effect as his Cross Bill in England, which was thereupon dismissed with costs. A Decree was then made in Chancery in England on Petitioner's Bill, ordering Hugh to take the legacy and comply with Petitioner's requirements, but Hugh, to evade it, withdrew into Ireland, and served Petitioner to answer his Irish Bill. Petitioner pleaded in bar to it the two English Bills, and that Hugh ought not to draw the matters in issue again in Ireland after they had been disposed of in England; but the Lord Chancellor of Ireland, assisted by the Judges there, overruled his plea, and ordered him to answer. Prays that the matter of his plea may be heard by the House and allowed and that Hugh Warren may be ordered to answer. *Signed* Saml. Jackson. *Countersigned* T. Powys, Hen. Penton. L. J., XVI. 477. [At the Hearing on 9 Feb. *Sir Tho. Powys* and *Mr. Serjt. Wright* were heard for Appellant and *Sir Barth. Shore* and *Mr. Harcourt* for Respondent. After depositions had been read, Counsel were asked whether the Decree in England was signed and enrolled? On their stating that it was so, they were asked whether both sides would consent that the enrolment should be set aside and the Cause heard in the Chancery here? *Sir Tho. Powys*, for the Appellant, consented. *Mr. Harcourt*, for Respondent: We are under hardships if we consent. On the following day *Mr. Harcourt* declared that his client proposed to refer it to [the] Lords, and, if that would not do, he was ready to submit. *Mr. Filmer* heard for Respondent. *Sir Tho. Powys:* Here is much abuse offered to your Lordships. They have seen the depositions. He has kept 1,200*l.* from the children. *Mr. Penton* heard for Appellant. The paper of Proposals for Respondent read. Then follow the first three Proposals set out in Annex (*d*). *Ordered* that affidavit be made (*see* Annex (*d*), Proposal 3) and delivered to this House, and Counsel heard on it. Counsel told that the House will not enter into further consideration of the Proposals, but that the Respondent prepare an affidavit and give a

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copy to the Counsel on the other side. They propose to give the copy of the affidavit on Monday. The Counsel were told the Lords will hear Counsel upon the affidavit on Tuesday next. On 13 Feb. *Mr. Filmer* says they cannot insist upon the 3rd proposition in the Proposals: We desire that the enrolment be set aside in order to a re-hearing. *Sir Tho. Powys* consents for a re-hearing. Then the Judgment was given as set out in L. J., XVI. 512, with the exception of the last clause, added on 19 Feb. *Ib.* 520. On 19 Feb. *Mr. Filmer*, heard on Warren's Petition (Annex (*e*)): As the Order is penned, it is certain it will be a bar in Ireland; and so, on the contrary, if we have a Decree here, it will be a bar for us there. We took it to be the intention that all in Ireland should be set aside. Let it now be declared that we may bring a Bill in Ireland. *Sir Tho. Powys:* They desire what never was in the Appeal. *Proposed* that no proceedings be in Ireland until after the re-hearing of the Cause here. After this the addition was made to the Judgment, as in L. J., XVI. 520. MS. Min]

Annexed:—

(*a*) 9 Jan. Petition of Hugh Warren, Esq., the Respondent. Respondent had a Petition ready to present to the House on 22 Dec., but could not offer it then or since. He had been ordered to answer by 30 Dec., but his papers have only just arrived from Dublin, and he is at present committed to the Fleet by the Court of Chancery in England for his proceedings in Chancery in Ireland, so that he cannot prepare his defence. Prays for further time to answer, and for leave to attend his Counsel and agents, in custody of the Warden of the Fleet. [Read this day. L. J., XVI. 489.]

(*b*) Certificate of W. Ford, Warden of the Fleet, that Hugh Warren, Gent., is committed to his custody for non-performance of a Decree of Chancery at the suit of Samuel Jackson. *Dated* 18 Nov. [Appended to preceding.]

(*c*) 23 Jan. Answer of Hugh Warren, Esq. Decree of Chancery in Ireland was just. Appellant has submitted to the jurisdiction of that Court, notwithstanding his pretence that the matter had been finally disposed of by the Chancery in England, and has two Bills now depending in Ireland against Respondent. Hopes the Appeal will be dismissed with costs. *Signed* Hugh Warren. *Countersigned* P. Bowes. *Endorsed* as brought in this day.

(*d*) 10 Feb. Respondent's Answer to the Proposal on hearing the Appeal:—(1) That the Decree in the original Cause and dismission of the Cross Bill be waived. (2) That Mr. Warren be discharged out of the Fleet to which he stands committed for not obeying the Decree, *first giving security to answer such Decree as shall be made.** (3) That Mr. Warren may have liberty of examining witnesses in the original and Cross Cause in the Chancery of England, he and his agents making the usual affidavit that they have neither seen nor been informed of the depositions.† (4) That the Bills and proceedings on each side in Ireland be dismissed by consent. MS. Min.

(*e*) 17 Feb. Petition of Respondent. On the Hearing on 9th instant Proposals were made, which Petitioner answered, and he apprehended the Order would be made by consent upon the

* The words in italics are added in the Clerk's hand.

† Noted in the margin, Not insisted. 13 Feb. 1699.

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several heads of his answer [*see* preceding paper], except the one as to a further examination of witnesses, which was waived by Petitioner's Counsel. In the draft Order, however, no notice is taken that proceedings in Ireland on each side are to be dismissed by consent, as, he conceives, was their Lordships' intention, so that Petitioner is left liable to be sued there. Prays the draft may be rectified. [Read this day. L. J., XVI. 519.]

1462. Nov. 16. L. Wharton's Privilege (Longstafe).—Affidavit of Adam Barker, of Parke Hall, Yorkshire, yeoman. Has known the boundaries between the manors of Swaledale and Arkengarthdale, in said county, for 18 years, viz., Wetshaw Head, the Height of Pinseat [Great Pinseat], and so westward along Heavenwater Dealt or Run. Philip, late L. Wharton, was always possessed of the manor of Swaledale, and obtained large quantities of lead ore from it, particularly from a vein called Frire Fould [Friarfold] vein, which Thomas, the present L. Wharton, still continues to work, and which runs eastward of the Height of Pinseat. The tenants of Swaledale have always fed their flocks on that ground, and consume the grass, and get ling and peat there. Deponent, as L. Wharton's agent, has sunk several shafts and cut watercourses on the said ground. The Forefeild shafts and drifts are half a mile within the Swaledale boundaries of Height of Pinseat and Wetshaw Head. Deponent had never been molested in working the mines until 26 Sept. last, when, by order of Charles Bathurst, of Chitts, Yorks., Esq., and Sir William Robinson, of York, Bart., Thomas Longstafe, of Fremington, Yorks., Gent., and others, all of Arkengarthdale, miners, sank a shaft on the very ground worked by L. Wharton, and got at the vein called Friarfold, thus diverting the lead from L. Wharton's shafts. Sir W. Robinson's title to the ground is a lease from Mr. Bathurst of 19 Sept. last. Deponent's brother, Robert Barker, over 30 years ago worked a lead mine nearer the Arkengarthdale boundary, on a lease from Philip, L. Wharton, without molestation. *Signed* Adam Barker. *Sworn* at Healey, Yorks., on 9 Nov., before Jos. Plewes, vic. comit. L. J., XVI. 477. [The House moved this day on behalf of L. Wharton's Privilege being broken by disturbance. Some affidavits offered in this case. Adam Barker's affidavit read. *Ordered* that the persons in the affidavit be attached. MS. Min.]

Annexed:—

(*a*) 16 Nov. Affidavit of Gyles Addison, of Healey, Yorks., miner. Twenty-six years ago he was with John Bathurst, Esq., (then owner of Arkengarthdale lead mines) and several other persons, at the riding the boundaries between Arkengarthdale and Swaledale, from Foregill Gate to Wetshaw Head, the Height of Pinseat and so westward by Heavenwater Dealt. Mr. Bathurst did not pretend any right further southward, nor to any part of the ground now in question, but acknowledged the same to belong to L. Wharton, who was then and is still working the Friarfold vein of lead ore. Deponent was a miner in Arkengarthdale for over 18 years, and all that time there never was any dispute about the boundaries nor was L. Wharton interrupted in working the lead mines upon the ground in question until 26 Sept. last, when several persons employed by Charles Bathurst or Sir Wm. Robinson, Bart., who claims by a lease from Bathurst of 19 Sept. last, sank a shaft at L. Wharton's vein of lead ore called Friarfold vein, which is half a mile short of the boundary marks that John Bathurst rode to. *Signed*

Gyles Addison, his mark. *Sworn* as preceding. [Offered this day. MS. Min.]

(*b*) 16 Nov. Affidavit of James Thompson, late of Arkengarthdale, yeoman, aged 80 years and upwards. The boundaries described in the preceding affidavits have always been well known and acknowledged. Never heard the lords of Arkengarthdale lay claim to ground beyond the boundaries until five months ago Charles Bathurst solicited him to tell him what he knew of the boundaries in question; and on deponent mentioning the Height of Pinseat as a known boundary mark, Mr. Bathurst told him to hold his tongue, for he knew not what he said. The ground in question has been all along in the possession of the Lords Wharton and worked by them for forty years; and the Forefieild shafts and drifts are half a mile within the Swaledale limits. *Signed* James Thompson. *Sworn* as preceding. [Offered this day. MS. Min.]

(*c*) 16 Nov. Affidavit of William Kirton, of Healey, yeoman, aged over 70 years. Has for the last 58 years known the boundaries which divided the manors, namely, Wetshaw Head, the Height of Pinseat and Heavenwater Dealt to a place westward called Little Punchard and Great Punchard, and so to a place called Water Crag. The Lords Wharton have been working lead mines there for the last 40 years. Some years ago there were great herds of red deer in the two manors, and L. Wharton's keepers used to kill them to the south of those boundaries, while the keepers of the King, in whom the manor of Arkengarthdale then was, did the like to the north of the boundaries. No claim was ever made to the ground in question by any of the lords of Arkengarthdale until that sworn to by the other deponents. *Signed* Willm. Kirton. *Sworn* as preceding. [Offered this day. MS. Min.]

(*d*) 16 Nov. Affidavit of Robert Bradbery, James Clarkson and James Metcalfe, of Swaledale, miners at the Swaledale lead mines for the last 27 years, under the Lords Wharton, and particularly at Friarfold vein, which has been worked by the Lords Wharton for over thirty years. About 27 years ago they worked that vein at a shaft called Pearl Grove, under Robert Barker, L. Wharton's manager, which shaft was nearer the boundary than the ground now claimed by Mr. Bathurst or Sir Wm. Robinson. Have worked Friarfold for 27 years without interruption until 26 September last. *Signed* Robert Bradbery, James Metcalfe, James Clarkson. *Sworn* at Whens, in Arkengarthdale, 10 Nov., before Jos. Plewes, vic. comit. [Offered this day. MS. Min.]

(*e*) 16 Nov. Affidavit of Anthony Webster, of Wensleydale, Yorks., yeoman, a workman for several years last past at L. Wharton's lead mines in Swaledale. Corroborates the evidence given in the previous affidavits, and states that on 1 Nov. John Hutchinson came upon L. Wharton's field with several persons having iron spades and other very desperate weapons in their hands, and threatened to slay L. Wharton's workmen. They discharged them from working in the shafts, declaring that 100 men should lie dead upon the place, but they would force L. Wharton's workmen out of Friarfold lead mines and would take them for Mr. Bathurst and Sir William Robinson. *Signed* Anthony Webster, his mark. *Sworn* as preceding. [Offered this day. MS. Min.]

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1463. Dec. 4. Writ of Summons (Bishop of Oxford).—Writ of Summons to William [Talbot] Bishop of Oxford. *Dated* 28 Nov. 1699. [Took the Oaths this day. L. J., XVI. 480.]

1464. Dec. 7. E. Peterborough's Privilege (Hoyte). Affidavit of Francis Isham, of Sudborow [Sudborough], Northamptonshire, Gent., that the Duchess of Norfolk's land steward told him that the Duchess had given him orders to cut down a wood in that part of Drayton Park that is in Sudborow parish. *Sworn* on 20 Nov. before Tho. Pitt. *Endorsed* as read this day. [Complaint of this breach of E. Peterborough's Privilege was made this day, and on 9 Jan. *Sir Thomas Powys* was heard for the Duchess. *Wm. Lane* (sworn): The part in question is now in the same manor. It was since enclosed. She has had the use of it. *Francis Negus* also gave evidence. *Mr. Serjeant Wright* heard for E. Peterborough. *Robert Hull*, *Francis Isham*, and *Robert Welborne* sworn and heard. Hoyte was then discharged. MS. Min. L. J., XVI. 482, 490, 492.]

Annexed:—

(*a*) Affidavit of Samuel Reynolds, of Ringsted, Northamptonshire, Gent., that on 21 May 1698 he had served Samuel Goosey, Francis Goosey, Francis Hoyte, Edward Sanderson and Thomas Hoyte, servants of the Duchess of Norfolk, with copies of the Injunction of Chancery annexed and that he left a copy at Drayton House with Mrs. Colthurst, sister to Mr. Lane, the Duchess' steward. *Sworn* on 20 Nov. before Tho. Pitt.

(*b*) Copy of Injunction of Chancery directed to Henry, Duke of Norfolk, and Mary, his wife, and their servants, &c., on complaint of Charles, Earl of Peterborough, restraining them from committing waste in Drayton Park and other lands in the county of Northampton, lately belonging to Henry, E. Peterborough, deceased, under the penalty of 1,000*l.* *Signed* Trevor Trevor. *Dated* 28 March 1698. *Examined* 20 Nov. 1699. [Appended to preceding.]

(*c*) Affidavit of Robert Hull, of Sudborow, Northamptonshire, that he saw Thomas Hoyte, Samuel Goosey, Henry Webb, Arthur Larrett, Thomas Milborne and Edward Sanderson cutting up and carrying away wood in the part of Drayton Park that is in Sudborow parish. *Sworn* 20 Nov. before Tho. Pitt. [Hull gave evidence at the Bar on 9 Jan. MS. Min.]

(*d*) Affidavit of same that on 17 Nov. he saw toils set in the Park for taking deer, and deer were taken by the Duchess' servants, assisted by some of L. Mountague's servants, and deer were killed. *Sworn* 24 Nov. before S. Keck.

(*e*) 22 Dec. Petition of Mary, Duchess of Norfolk. Soon after the decease of Petitioner's father, E. Peterborough laid claim to all her estate in Northamptonshire, of which she and her trustees were then and have ever since been in possession. The Earl filed a Bill in Chancery for the discovery of writings and evidences concerning the estate. Thereupon an Injunction for stopping of waste was obtained, and, although Petitioner answered and pleaded her title as heir and as a purchaser, the Injunction has been continued from time to time on the Earl's suggestions, and on his offering to proceed to some decision in law or in equity by Easter Term next. Petitioner's servants were employed in November last by his Majesty's Yeoman of the Toils to remove some deer from one park to another, nearer the house, and had occasion to cut a little underwood, about 20*s.*

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value, in a part of Drayton Park, of which the Earl never had possession. The Earl then moved the Court of Chancery to take Petitioner's servants into custody on a supposed breach of the Injunction; but, failing in that object, he complained to the House, alleging a breach of Privilege. The House accordingly ordered Thomas Hoyte, one of Petitioner's servants, into custody. Prays that either Hoyte may be discharged, or Petitioner may be heard by one Counsel touching the matter. *Signed* M. Norfolke. L. J., XVI. 488.

(*f*) 11 Jan. Petition of Thomas Hoyte, now in custody of Mr. Emmet, a messenger. Petitioner is informed there is an Order for his discharge, but is still in custody for want of money to pay his fees. Is very poor and old, with a wife and family starving in the country, and cannot pay. Prays to be discharged without fees. *Signed* by Petitioner. *Endorsed* as read this day and ordered accordingly. [A new Standing Order as to fees made thereon. L. J., XVI. 492–3.]

1465. Dec. 11. Coote *v.* Langham.—Petition and Appeal of Colonel Coote. Petitioner's father Charles, late Earl of Montrath, in Ireland, was seised in fee of an ancient ancestral estate in Ireland and had had other lands given him in fee before the Restoration for his eminent services against the rebels. The Earl, by his Will, entailed the ancestral estate on his eldest son Charles with remainders in tail male to Petitioner and his brother Chidley Coote, with remainders over, and part of the acquired lands he entailed upon Petitioner, with remainders in tail male to Chidley and others, and other part of these lands he entailed on Chidley, with remainders in tail male to Petitioner and others. Disputes having arisen in the Earl's family before the Act of Settlement, it was provided by that Act that all the acquired lands should accrue to the King until the Lord Lieutenant and Privy Council of Ireland should adjudicate on the Earl's Will, which adjudication should have force as if enacted in the Statute. Accordingly on 15 Oct. 1663 the Lord Lieutenant and Privy Council decreed to Petitioner and Chidley their respective shares under the Will. The Decree was duly enrolled and was subsequently confirmed by the Act of Explanation; but although the Lord Lieutenant and Council ordered that after the Certificate and Letters Patent had passed the rights, titles and interests of all persons should be thereby concluded, yet such rights as were particularly reserved in the Letters Patent or were the proper act of the patentee or of those under whom he claims, were saved. Petitioner passed a Certificate and Letters Patent of his share, in accordance with his father's Will, and then Chidley did so for his share, without taking notice of the Will, Decree and Act which gave Petitioner a remainder in tail male in Chidley's share, though there was a saving to all former Certificates. Chidley afterwards, having contracted debts, undertook in his Will to dispose of his share as an estate in fee, devising it to a niece of his for life, with remainder to Petitioner and then to his own right heirs; Chidley then died without having suffered any recovery to bar Petitioner's remainder under his father's Will. Chidley's executor, and his creditors, then exhibited a Bill in the Chancery of Ireland to carry his Will into effect, demanding an account of the profits from the Petitioner. Petitioner answered and, pending the suit, the matter was referred to arbitration. The referees were named without Petitioner's consent, and Sir John Mead, who had been chosen umpire, gave his award that Chidley's share was an estate in fee simple, and liable to his debts, taking no account of the debts and

1699. — No. 1465. legacies and of the profits received by Petitioner; nor requiring anything mutual. Plaintiffs then exhibited another Bill to compel the execution of this award, which Petitioner insisted ought not to be binding. He therefore caused exceptions to be filed, which were overruled, and the Court decreed the award a good award, that an account should be stated, and that the creditors should have their claims and costs out of the estate. The tenants were then ordered to pay their rents and arrears to the Plaintiffs unless cause were shown to the contrary. This Decree is erroneous, inasmuch as it destroys Petitioner's title under his father's Will, the Decree of the Lord Lieutenant and the subsequent Acts of Parliament. Appeals against it and prays that the aforesaid Plaintiffs may be ordered to answer. *Signed* Rich. Coote. *Countersigned* Edw. Northey, Wm. Atwood. L. J., XVI. 483. [At the Hearing on 1 March *Sir Tho. Powys* and *Mr. Northey* were heard for Appellant and *Mr. Serjt. Wright* and *Mr. Filmer* for Respondent. The Appeal was dismissed. MS. Min.]

Annexed:—

(*a*) 12 Feb. Answer of Joseph Langham, Elizabeth, Lady Baroness Dowager of Shelburne, James Howison, James Barlow and Samuel Vaughan. Respondents know nothing of Appellant's Certificate and Letters Patent, but Chidley's lands were never granted in any other Certificate than Chidley's, which took no notice of his father's Will or the Decree or Confirmation thereof. Respondents, who were advised that Chidley was, by his Certificate, seised in fee of his lands, lent him money upon his bond and otherwise. Chidley, who honestly intended to pay his debts, made a Will charging his estate with the payment. He did not suffer any recovery, as he did not doubt but that he had an estate in fee. Appellant was so far satisfied with the umpire's award that he exhibited his Bill in Chancery for Respondents to swear how much was due to each of them. His agent died soon after their Answer, and the Appellant then refused to abide by the award. As Respondents were unable to prove the agent's authority from Appellant, they were obliged to exhibit another Bill. The case was heard by the Lord Chancellor of Ireland and the Chief Justice of the King's Bench, and a Decree pronounced as set out in the Appeal. All that Appellant can pretend to is that Chidley committed a breach of trust in treating the estate as a fee simple and not as an estate in tail. Appellant ought possibly to be relieved in Equity, but not at the expense of Respondents, who are real creditors of Chidley Coote. Pray the Decree &c. appealed from may be affirmed. *Signed* E. Shelburne, Joseph Langham, James Howison, James Barlow, Sam. Vaughan. *Endorsed* as brought in this day.

1466. Dec. 11. Thorowgood *v.* Cordell.—Petition and Appeal of John Thorowgood and Rebecca, his wife. Edward Salisbury, deceased, was seised in fee of some copyhold lands in Temple Duxford, Cambridgeshire, which he surrendered to the use of his Will. He was also possessed for several terms of years of other lands there, and of some tenements by London Wall, and of a messuage and stables in All Saints parish, near Broad Street, and of a tenement at Pye Corner. By his Will he devised his lands in Temple Duxford to his niece Elizabeth, the daughter of his brother John, the tenements by London Wall to his kinsman John Salisbury and his wife, and the survivor of them, the messuage and stable to his brother John, the tenement at Pye Corner

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to Eliza Waller. The net residue of the estate he gave to his brother John, making him executor. The Testator died considerably in debt, and his brother possessed himself of all the leasehold estate and also all the copyhold estate, as there did not appear any surrender to the use of the Will, which has since been found. Testator's niece Elizabeth married John Budgen, and died without issue, leaving her husband and her sisters, viz.—the Petitioner Rebecca Thorowgood, Mary, the wife of Edmund Cordell and Martha Salisbury,—her heirs-at-law. Rebecca's father John Salisbury, possessed for a term of years two tenements at the end of Cow Lane near West Smithfield, which he left by Will to Meliora, his wife, to go together with the profits of the Temple Duxford lands, to the maintenance of his daughter Martha, the overplus to go to his widow. The tenements at Pye Corner and the houses near London Wall he left to his wife for life, and after her death to his two daughters Rebecca Thorowgood and Mary Cordell, but if either of them disputed his Will or demanded more than it gave to them, the property was to go to his wife, whom he made executrix and residuary legatee. After his death, Meliora, his wife, devised one of the Cow Lane tenements to Mary Cordell for life, and the other to Appellants; and she made Petitioner John Thorowgood, her residuary legatee. Martha, who was infirm was maintained by her father, then by her mother, then by Petitioner John Thorowgood. The Cordells and Petitioner exhibited a Bill and Cross Bill in Chancery to have their shares under the Wills or the Customs of London, and the Lord Keeper decreed the copyhold lands in moieties between them. Martha's right to a third was ignored by the Decree, and Petitioner ought to have been compensated for her maintenance. Petitioner Rebecca, although a *feme covert*, was decreed to account, and she is now prosecuted with contempt and must be thrown into gaol. Mary Cordell is dead, and Petitioners have been served with a subpœna to revive at the suit of her husband, who is her administrator. There have been several Masters' reports made during Petitioner's absence in Flanders, the last one charging him with 708*l*. Petitioners appeal from the Decree and Orders, and pray for stay of proceedings in the meantime. *Signed* by both Appellants. *Countersigned* Robert Price, Sim. Harcourt. L. J., XVI. 483. [At the Hearing on 19 March *Mr. Cooper* and *Mr. Dobbins* were heard for Appellants, and *Mr. Phipps* and *Mr. Filmer* for Respondents, for whom they asked exemplary costs. The Petition was dismissed with 30*l*. costs. Then Charles Wood was reprimanded for signing Appellant's printed case, though not Counsel here or below. MS. Min. L. J., XVI. 551.]

Annexed:—

(*a*) 9 Jan. Answer of Edmund Cordell, administrator of Mary, his late wife and the widow of John Hallett. The lands in Temple Duxford had been purchased from one Colonel Symonds. The lands in Essex were in Wenden and Newport. Appellant was a shopkeeper in London, and if absent in Holland, it was only for a time. He had done everything for delay, wasting two years in a fruitless arbitration. The Decree and Orders are just. Prays that Appeal may be dismissed with costs. *Signed* Edmund Cordell, by his mark. *Countersigned* Hen. Stevens. *Endorsed* as brought in this day.

1467. Dec. 11. Matthew Smith's Libel.—Letter from Matthew Smith to Lord Chancellor Somers, (with separate cover), sending some papers of public concern to be communicated to the House. *Dated* 4 Dec. *Endorsed* This was owned by Mr. Smith to be his handwriting, 11 Dec. 1699. [On 7 Dec. the House was informed that there was a

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book printed, reflecting on this House, entitled, Remarks upon the D. of Shrewsbury's letter to the House of Lords concerning Capt. Smith. The Duke's letter was read out of the print. *Ordered* that Mr. Smith be attached and that an enquiry be made by whom the book was printed. On 11 Dec. the *Master and Wardens of the Stationers' Company* were heard, and say they have found out the publisher, Mrs. Baldwin in Warwick Lane. They deliver two papers, both *signed* Matt. Smith, which were read. The *Serjeant-at-Arms* says he had been in several places to find him. He heard he was at Waghore's Coffee House. The House was informed that Mr. Smith had surrendered himself to the Serjeant. *Mr. Smith* was brought to the Bar, and kneeled, and was asked if he was the author of the book shown him? [*Says*] I did present a printed written book to the House, directed to the L. Chancellor, and owned the book when shown him. He was shown the two notes delivered this day. He says Mrs. Baldwin is his publisher, and owns the two papers to be his handwriting. *Moved* that Mr. Attorney-General be ordered to prosecute Matthew Smith for printing the Orders and Proceedings of this House, and so many scandalous reflections on a Member of this House. The 20 Jan. [? June] 1699 read. A debate arose concerning reading the book or manuscript Smith owned to be his handwriting. The book was read, and, after debate, the *Question* was put, Whether Mr. Smith be guilty of a breach of Privilege? It was resolved in the affirmative. *Ordered* that he be taken into the custody of the Gentleman Usher of the Black Rod. On 15 Dec. a petition of Matthew Smith read, praying to be discharged (Annex (*c*)). *Moved* to vote that the book written by Smith is a false and scandalous libel. *Moved* to read the book. The book was read through. *Moved* to declare that the manuscript entitled, Remarks upon the Duke of Shrewsbury's letter, and the printed book, being a copy of the same, is a false and scandalous libel reflecting upon the honour of this House, and particularly on his Grace the Duke of Shrewsbury. *Proposed* to ask Smith if the King had employed him since the vote of this House. After debate, it is resolved and declared that the book entitled, &c., contained in a written book presented to this House by Matthew Smith, and a printed copy of the same, are a false and scandalous libel and reflection on the honour of this House and the honour of the D. of Shrewsbury. *Proposed* to call in Mr. Smith and ask him. *Smith* was called in and asked, by Order of the House: You take notice of a gentleman in your book that offered you a sum of money and would employ you abroad. Who was that man? He [*Smith*] said it was Mr. Arnold. He gave me 100*l.*, and he told me the King ordered him so to do. *Asked* if he had a letter from him abroad? He says he can procure those letters under his hand, and a pass too, signed by Mr. Arnold. *Asked* concerning the number of names at the end of his book? *Says*, I had the list from Mr. Arnold. I copied his list and gave it him again. I had the power to correspond from Mr. Arnold. I had this authority by word of mouth from him and letters to confirm it, and he said he had it from the King. He withdrew. *Moved* to burn the book by the hangman. *Smith* called in again. *Asked* as to the preface, that Lady Perkins was to be introduced, and a person sent her away very sorrowful, and told the K. would not receive it? [*Says*] You must ask the Lady Perkins about this. My kinsman told me it was the D. of S. My brother is dead. The D. of Norfolk knows this, and he asked me why the lady was not there. I saw my Lady afterwards, and she thought it was the D. of Shrewsbury. She was the only person that had access to the Duke. The Lady was with Mr. Secretary Vernon. She told me so herself.

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My Lady Perkins told me she thought it was the D. of Shrewsbury. She told me she was turned back, and she told me she supposed it was the D. of Shrewsbury. She told me she did not deliver the last petition. She said a great man, she supposed it was the D. of Sh., told her it was in vain for her to deliver it. I drew up this petition, and showed it to the D. of Norfolk. The subject of the petition was to desire that his friends might have access to him, because it might turn to his Majesty's service. The Lady Perkins had access to him. His own mother and sister and me he had a mind to see. I did not see the Lady Perkins till the summer following. Sir Wm. Perkins paid all his debts, as the country knows. *Moved* that Smith produce Arnold's letters. *Ordered* that the Book shall be burned by the hand of the common hangman on Monday next in the Old Palace Yard between the hours of 12 and 1. *Ordered* that Mr. Smith produce Mr. Arnold's letters and the pass. MS. Min. The rest of the proceedings connected with this matter are set out in L. J., XVI. 486, 487.]

Annexed:—

(*a*) 11 Dec. Paper as follows:—Mrs. Baldwin, pray publish my remarks, and I will be answerable to you for 'em. Witness my hand and seal. *Signed* M. Smyth, and *sealed*. *Dated* from the Green Mews at Charing Cross, 4th December 1699. *Endorsed* This was owned by Mr. Smith at the Bar to be his handwriting and that Mrs. Baldwin was his publisher. 11 Dec. 1699. [This and the following paper were delivered and read this day at the Bar.]

(*b*) 11 Dec. Letter from Smith to Mrs. Baldwin, as follows:—Mrs. Baldwin, hearing you have been sent to about my book, and it being reported that I have absconded, this is to let you know that, as I got the book printed, and agreed with you for the publishing of it, so you need not be concern'd, for I will certainly appear before the Lords on Monday by twelve o'clock, to answer what I have done. I am your friend and servant. *Signed* Matt. Smyth. *Dated* Saturday evening, Dec. 9. *Endorsed* as in principal paper.

(*c*) 15 Dec. Petition of Smith, praying to be discharged, as he had offended only through ignorance. L. J., XVI. 485.

1468. Dec. 13. Ravenscroft *v.* Mayes. Petition of Nathaniel Herbert, Gent. Petitioner together with Thomas Ravenscroft, Esq., presented an Appeal to the House on 7 December against Robert Mayes, whose solicitor, Mr. Smethe, was duly served with the Order to answer; but on the same day Petitioner, by direction of the Respondent, was arrested by William Townsend, an officer of the sheriff of Middlesex, at his house in Bloomsbury upon an attachment for non-performance of the Decree appealed against. Townsend threatened to carry Petitioner to Newgate, but kept him at his house in Whitechapel till Saturday morning last. Prays their Lordships to take into consideration this breach of their Order and that he may be reimbursed the costs that Mayes has thereby put him to. *Signed* Nath. Herbert. [Read this day, and *Thomas Tooke* and *Herbert* examined as to the circumstances of the arrest. Townsend ordered into custody. On 18 Dec., on Townsend's Petition, and the evidence of *Robert Cleek* and *Margaret Wade* that he was willing to discharge Herbert, but Mayes would not let him, he was discharged paying fees. L. J., XVI. 484, 486. MS. Min. The Appeal was brought on 7 Dec., and withdrawn on 27 Jan. L. J., XVI. 482, 502.]

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Annexed:—

(*a*) 18 Dec. Petition of William Townsend, an officer of the sheriff of Middlesex, in custody of the Serjeant-at-Arms. On 7 Dec. he arrested Nathaniel Herbert, Gent., at the suit of Robert Mayes on an attachment for 40*l.* 6*s.* 8*d.*, and thereupon Herbert produced the annexed copy of the Order of Service (Annex (*b*)). Petitioner was doubtful whether he could discharge him after the arrest, but went to Mayes, who refused to discharge him until the next day, when he sent the discharge (Annex (*c*)). Petitioner acted by direction of Mayes and was ignorant of the offence against the House, for which he begs pardon. *Signed* William Townsend. L. J., XVI. 486.

(*b*) Copy of Order of Service on the Appeal, dated 7 Dec. L. J., XVI. 482. *In extenso.* [Appended to preceding.]

(*c*) Authority from Robt. Mayes to Mr. Townsend to discharge Herbert. *Dated* 8 Dec. *Signed* Rob. Mayes. *Attested* Tho. Smethe. [Appended to Annex (*a*).]

(*d*) 27 Jan. Letter from Robert Mayes to Sir William Russell. The letter states that if Sir William can procure Mayes' landlord, Mr. Ravenscroft, to discharge Mayes in full of all rent due to Michaelmas last, in consideration of his bill, and pay 100*l.*, he engages to discharge Ravenscroft and Mr. Herbert of all claims he has against them. He promises to leave the farm at Michaelmas and pay 120*l.* for the year's rent, and likewise 40 acres of fallow to be left at the expiration of the year, if he is allowed to thrash for four months and carry out his corn, and also to sell chalk not exceeding 3*l.* in value. *Dated* 19 Jan. *Signed* Rob. Mayes. *Attested* Wm. Thacker. Noted below is Mr. Ravenscroft's consent to this agreement. *Dated* 19 Jan. *Signed* Thomas Ravenscroft. *Attested* T. Tooke, Wm. Thacker. *Endorsed* with this day's date.

(*e*) Paper containing statement that the Parties are agreed and desire the Petition of Appeal may be withdrawn. [Appended to preceding.]

(*f*) 12 Feb. Mr. Tooke's receipt for the Appeal and Answer, received from John Walker, Esq., pursuant to Order of 27 Jan. *Dated* this day. *Signed* T. Tooke.

1469. Dec. 13. Chamberlen *v.* Doyne. Petition and Appeal of Hope Chamberlen, Gent. Col. William Walker, late of Tankerdstowne, Queen's County, Ireland, had from Arthur, late Earl of Anglesey, a 99 years' lease of lands in the baronies of Bargy and Ballyheon, in the county of Wexford, which he left to his wife and sole executrix Elizabeth Walker. William Walker, Esq., her son, also had some right thereto. She gave a 61 years lease thereof to Joseph Saunders, of Dublin, Esq., at a rent of 70*l.* for the first 51 years and 75*l.* for the remainder. She and her son then went to England, and borrowed money of Joseph Saunders, which he was to recover from the growing rent of the premises. Joseph Saunders died, after making Sir Richard Buckley, Bart., and Henry Whitefeild, his executors. They are both dead, and Temple Whitefeild, Henry's son, is his executor. Jane Saunders, widow of Joseph Saunders, married Robert Doyne, Esq., who remains in possession of the premises without paying rent, alleging an absolute purchase, in consideration of the loans which Elizabeth and her son had received from Joseph Saunders. Elizabeth afterwards sold the premises to Thomas Saunders, of London, merchant, who sold them to Appellant. Appellant then exhibited a Bill in Chancery in Ireland against Robert

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Doyne, Jane, his wife, and Temple Whitefeild for arrears of rent, who pleaded the pretended prior assignment to Joseph Saunders. On the hearing, Elizabeth swore that she never had made any such assignment, and believed that her son, who in the meantime had died, never perfected any such agreement, nor was any such assignment produced. The money which she had borrowed was on bonds and judgments still in force against them. Yet the Lord Chancellor of Ireland dismissed Petitioner's Bill. Appeals against such dismission. *Signed* by Appellant. *Countersigned* N. Wrighte, Jo. Danyell. L. J., XVI. 484. [At the Hearing on 14 March *Mr. Serjt. Wright* and *Sir Barth. Shore* were heard for Appellant and *Sir Tho. Powys* and *Mr. Pooley* for Respondents. Petition dismissed. MS. Min. L. J., XVI. 547.]

Annexed:—

(*a*) 7 Feb. Petition of Robert Doyne, Esq., for further time to answer, as, by reason of contrary winds, he has not received any of his papers from Ireland proper for his defence. *Signed* Ro. Doyne. *Endorsed* as read this day. L. J., XVI. 507.

(*b*) 21 Feb. Answers of Robert Doyne, Esq., and Jane, his wife, and Temple Whitefeild, Esq. The Decree is just. Pray the Appeal may be dismissed with costs. *Signed* by the three Respondents. *Countersigned* Ric. Turner. *Endorsed* as read this day.

1470. Dec. 13. Siderfin's Estate Act.—Amended Draft of an Act for vesting the manor of Exton and other lands in the county of Somerset, late the estate of Thomas Siderfin, Esq., deceased, in trustees, to be sold for payment of debts. The amendments made in the Select Committee were to leave out the capital messuage of Crowdon, in the parish of Carhampton, and two acres of wood ground in Timberscombe Wood used with it, the messuage of Coombe *alias* Coombpero with 90 acres belonging to it, in the parishes of Timberscombe and Carhampton, and the messuage of Wheddon *alias* Southwhoddon, in the parish of Cutcomb, with 114 acres belonging to it, to add certain other lands mentioned in an indenture tripartite of 14 June 1687. The premises to be sold in addition to the manors mentioned were specified and the words, all other the said premises in Carhampton, Timbercombe *alias* Timberscombe, Cutcombe, Luccombe and Dunster, were left out. At the end of the Bill a clause was added substituting Diers Tenement and 50 acres of overland for the lands in the marriage settlement which were to be sold. Com. Book 22 Jan. There were no amendments in the Commons. [Read 1ª this day. Royal Assent on 11 April 1700. L. J., XVI. 484, 578. 11 & 12 Will. III. c. 34 in Long Cal.]

Annexed:—

(*a*) 11 Dec. Petition of Robert Siderfin, of Croydon, in the county of Somerset, Esq., for leave to bring in a Bill to sell part of his lands to pay off his debts, which, by reason of a subsequent settlement made by him, he cannot do without an Act of Parliament, to which all parties to the settlement agree. *Signed* R. Siderfin. [*Endorsed* as read this day, and leave given to bring in the Bill. L. J., XVI. 483.]

(*b*) 22 Jan. Consent of John Worth, of Luxborrow, James Cornish, of Withill, and Thomas Darch, of Stawley, all in the county of Somerset, the trustees in the last marriage settlement of Robert Siderfin, to the Bill. They believe that

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part of the manor of Exton is mortgaged to Mr. Lightmaker for 1,000*l.*, that other parts of the estate are charged with an annuity of 100*l.* a year to Robert Siderfin's sister-in-law, and that there are other debts. *Dated* 9 Dec. *Addressed* to L. Haversham. [Produced this day before Select Committee. Com. Book.]

(*c*) 22 Jan. Amendments made in Select Committee this day. Com. Book.

1471. Dec. 13. Forfeited Estates (Ireland).—Letter from Henry, Earl of Drogheda, Sir Francis Brewster and Sir Richard Levinge (three of the seven Commissioners appointed by Sections 94 and 95 of the Act 10 Will. III., c. 9, for granting to his Majesty the sum of 1,484,015*l.* 1*s.* 11¾*d.* for disbanding the Army, providing for the Navy, and for other necessary occasions) to the Lord Chancellor, as follows:—

Our very good Lord,

We having been appointed Commissioners with four others for executing so much of a late Act of Parliament made in England as relates to the forfeited estates of Ireland, and having acted jointly with them therein to the expiration of the time limited by that Act, and from that time, attended the putting in order and perfecting the matters of our enquiry unto this present day, and having with them signed and sealed the several books containing the names of the forfeiting persons, the particulars and values of the forfeited estates real and personal, the counties and baronies wherein they lie, the several grants and dispositions of the forfeitures and the considerations thereof, the reversals of outlawries and pardons of forfeiting persons and their considerations, and how and by whom procured, we conceive that we have thereby in all essential matters answered the ends of the said Act, and completed the execution of the trust reposed in us. But since it was thought convenient that a Report of our proceedings should be also made for the better explanation of the books, which contain the substance, and to render them more useful and intelligible, we gave a general consent that the Secretary should draw it up, but gave them no particular directions ourselves concerning the same. The draft of which being produced, we excepted against several of the many paragraphs contained in it; some for not being within the powers given us by the Act, and others as not warranted by depositions or other proof,* and after many debates with the other Commissioners, we, desiring to comply with them as much as possible, agreed to eighty-two paragraphs of the Report, containing more than all that related to the books, and excepted only against about eight paragraphs, though we were not fully satisfied with several of those which we had passed in the manner they are expressed. And when in these few matters our reasons would not prevail, but that they over-ruled us by the pretence of a majority of 4 against 3; and having laboured to influence us by private letters, instructions and directions which they affirmed they had received from several members of the honourable House of Commons, we did not insist further on having those eight paragraphs left out of the Report. But when the Report was engrossed and came to be signed on Tuesday the 28th instant, as we were content the other four should sign and seal the same as they thought fit, so we desired to

* This Report, from here to the end is printed, though not quite accurately, in Ralph's Hist. of England, Vol. II., p. 833.

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sign and seal the same as an approbation of all contained therein except those paragraphs, and accordingly on that part thereof addressed to the House of Commons, one of us did write the words to the effect following: We agree to the above Report except the 8th, 10th, 25th, 32nd, 66th, 78th, 79th paragraphs, and the paragraph wherein the private estate of the late Duke of York is included, to which we cannot agree for reasons which we will be ready to lay before your Honours when you are pleased to require them from us: and afterwards we signed and sealed the same, praying the other Commissioners to sign and seal as they thought fit, and offering to sign and seal the other parts of the Report addressed to his Majesty and the House of Peers. But they then instantly, pretending to make an order against what we did, refused either to sign with us, or in a space left for them above our writing, and hastily took away the other two parts of the Report which we had offered to perfect, and also took from us that part which we had already perfected. We then adjourned by common consent till 4 in the afternoon this day, and understanding that they had pretended to make an order for cancelling the Report, which we had signed and sealed, and seeing at the time of our meeting that most of the papers belonging to our Commission were taken away, we, with all speed, delivered to them a Memorial under our hands and seals, offering thereby to sign and seal the other two parts of the Report in the manner we had done the former, and to leave in them a greater space for the other Commissioners to sign and seal above us, and, if desired, to amend even that which was done before, praying them not to cancel what we had perfected. We also put them in mind that we had often made request to them to compare the original depositions which were taken before us, and were much blotted and interlined and capable of great alterations with the entries thereof in our books, and that we might all of us sign and seal the said entries, and we also prayed them to give us copies of those paragraphs to which we had agreed, and more especially those to which we dissented, that we might be the better able to represent to the most honourable House of Peers the reasons of our disagreement to those paragraphs. But finding no success and the other Commissioners owning to us that they had, after our adjournment the last night and after we were gone away, cut off that leaf of the Report on which we had written our consent and put our hands and seals, and they insisting that unless we would declare our consent to all the paragraphs we should declare it to none, and, refusing absolutely to let us sign the said Report in any manner that might express our disagreement to any part of it, we think ourselves under a necessity of applying to your Lordship to lay this matter before the most honourable House of Peers, that we may have an opportunity to show that we have joined in the execution of all the matters required of us by the said Act, and likewise the reasons why, being upon our oaths, we could not agree to those paragraphs we excepted to. We are, &c. *Signed* Drogheda, Fr. Brewster, Ri. Levinge. *Dated* Dublin, 29 Nov. 1699. [On 13 Dec. the Lord Chancellor acquainted the House that he had received a letter from the Commissioners of Forfeitures in Ireland, which was read and agreed to lie on the Table. MS. Min. No entry in L. J. On 18 Dec. the Commissioners were ordered to lay before the House a statement of what they had done in Ireland, and on the 19th the Commissioners were called in and *Mr. Annesley*, one of them, delivered in nine books, and also a Report of the particular account of all the nine books and what the Commissioners have done there (Annex (*b*)). They withdrew. Then the Report from the Commissioners was read. MS. Min. L. J., XVI. 486, 487.]

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Annexed:—

(*a*) 29 Dec. Memorial of the three Commissioners who signed preceding papers addressed to the other four, as follows:—

To Francis Annesley, John Trenchard, James Hamilton and Henry Langford, Esqs., Commissioners with us in the execution of so much of an Act of Parliament made in England as relates to the enquiry into the forfeited estates of Ireland.

The Memorial of Henry, Earl of Drogheda, Sir Francis Brewster, and Sir Richard Levinge, Knights.

Gentlemen,

We having jointly acted with you in the execution of the powers to us given by a late Act of Parliament made in England unto this present day, and having signed and sealed three books of outlawries, No. 1; three books of forfeitures, No. 2; and also three books of adjudications at the Council Board, No. 3; and three books of adjudications at the Court of Claims, No. 4; and three books of pardons and reversals, No. 5; and three books of grants, No. 6; and three books of incumbrances, No. 7; and three books of debts due to forfeiting persons not restored, No. 8; which we conceive contain the substance of the account required from us by the said Act, and our Secretary having drawn up the Report, by the immediate directions and privity of some of you, we have been present at the first and second reading thereof, and have delivered our sentiments concerning the several paragraphs thereof, which, in all, amount to 90, or thereabouts, after having done our utmost endeavour to satisfy you and ourselves and to come to a perfect agreement with you for the public good on the 28th day of this instant November, three parts or books of the said Report were prepared, read, and compared, and contain, amongst other things, the paragraph concerning the private estate of the late King James, which we had before affirmed in our opinions, was not any forfeited estate within the meaning of the said Act; and though the said paragraph was much altered from what it was on the 24th day of October last, or at any time after till the 23rd day of this instant November, at which time it appeared that mention is therein made of forfeited leases which are granted together with the said estate (though neither the continuance of such leases nor the value of them above the reserved rent nor other certainty of the said leases does appear to us). And we have declared and do declare, that whenever the aforesaid matter shall appear, we will join in the reporting of whatever is a forfeiture within the meaning of the said Act, whereupon you were told by Henry, Earl of Drogheda, that we could not give our assent to the last paragraph containing the said private estate, nor to paragraphs 8, 10, 25, 32, 66, 78, 79. But that we would agree to all the Report except the above mentioned paragraphs; which you gentlemen opposing, the said Earl did enter on one of the books or parts of the Report, addressed to the honourable the House of Commons, a writing to the effect following:—We agree to all the above Report except the 8, 10, 25, 32, 66, 78, 79th paragraphs, to which we cannot assent, for reasons which we will be ready to lay before your Honours when we shall be thereunto required. Which being written, we signed and sealed the same and prayed you to join with us therein, or to subscribe your names above the said writing, thereby

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certifying your assent to all the paragraphs in the said Report. But you Gentlemen insisting on your majority of 4 to 3, and not only refused to sign the said book addressed to the House of Commons, but have taken the other books containing the said Report and addressed to his Majesty and the House of Peers from us, and will not suffer us to join with you in such manner as will, as we conceive, both answer the ends of the said Act and satisfy our minds in matters which we are to certify upon our oaths. And when you propounded to us to make a separate Report, which we thought no way convenient for the service, you yet were not willing to let us have copies, either of what we had agreed to or dissented from. We, therefore, pray you as well in consideration of the public trust reposed in us, as of preserving the good correspondence amongst us, that you will not be any hindrance to our writing and subscribing sealing on the other books, or parts of the Report addressed to his Majesty and the Lords Spiritual and Temporal, in such manner as we have done on the book addressed the honourable the House of Commons, we leaving you sufficient space above such writing of ours to subscribe and seal the whole Report, which if it be not done already, we will consent to make such alterations as to make that feasible. And we do insist, and, in virtue of the aforesaid Act of Parliament, pray and caution you that you do not obliterate, cancel, or otherwise deface what we have, as we believe, solemnly signed, sealed and declared as aforesaid, pursuant to the said Act, but that the same, without alteration, be laid before the honourable the House of Commons. And we do likewise make instance to you that we may be ordered, or not hindered from having, copies of the paragraphs we have agreed to, but more especially and speedily those to which we cannot agree, to the end we may not be hindered by you from laying before his Majesty and the two Houses of Parliament the reasons why we cannot give our assent to the said eight paragraphs. We also put you in mind of the several instances we have made to you of comparing at our Board the original depositions laid before us with the entry thereof in our book, and signing such book by us, after due comparing, which we think extremely necessary to be done, because the original depositions appear to be so much blotted and interlined and are thereby capable of great alterations, which may tend to the discredit of our proceedings. And lastly, we pray you, and insist that this our Memorial be kept ready to be produced among the papers and proceedings of our Commission. Given and delivered under our hands and seals this 29th day of November 1699. *Signed* Drogheda, Fran. Brewster, Ri. Levinge. *Endorsed* as received this day.

(*b*) 19 Dec. Documents delivered this day by the Commissioners for enquiring into the forfeited estates of Ireland, pursuant to Order of 18 Dec. L. J., XVI. 486, viz. :—

(*b*[1]) A Schedule of the Books delivered by them. L. J., XVI. 487. *In extenso.*

(*b*[2]) No. 1. The Book of Outlawries. It contains (1) a List of 57 persons, headed, Separatæ personæ subsequenter utlagatæ fuere de alta prodicione in Angliâ, et recordum inde transmissum fuit ab Angliâ. The List is as follows :—

Alexander McDonnell, Comes Antrim.
Willelmus Dungan, Comes Lymerick.
Sephan. Rice, Mil.

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Maurit. Eustace, de Castlemartin, Bart.
Willelmus Talbot, Mil.
Johannes Bellew, Dominus Duleek.
Johannes Arthur, de Great Cabragh.
Neale O'Neale, Mil.
Henricus Lynch, Mil.
Richardus Nagle, Mil.
Gregor. Byrne, Bart.
Richardus Fagan, de Felrim.
Franc. Dorrington.
Richardus Hamilton.
Roger Strickland.
Peirc., Dominus Vic. Galmoy.
Jenic., Dominus Vic. Gormanstowne
Nichus., Dominus Vic. Kingsland.
Edwardus Harbert, Mil.
Valent. Browne, Bart.
Thom. Nugent.
Willelmus Nugent.
Jacob., Dux Berwick.
Robertus, Dominus Hunston.
Johannes, Comes Melfort.
Alexander Fitton, Mil.
Fran. Plowden.
Willelmus Jennings, Mil.
Patr. Trant, Mil.
Johannes Trinder.
Thom. Collins.
Dominic. Sheldon.
Willelmus Mansell Barker.
Richardus, Comes Tyrconnell.
Ludovic. Doe.
Willelmus, Marchio de Powis.
Tho., Dominus Howard.
Henr. Bond.
Henr., Dominus Dover.
Buno Talbot.
Robertus Parker.
Tho. Trant, fil. Patr. Trant, Mil.
Dudleus Bagnall.
Johannes Sparrow, Mil.
Robertus Fielding.
Tho. Crosby.
Willelmus Crosby.
Walter Dungan.
Baskervill Polewheile.
Nichus. Brown.
Tho. FitzGerald.
Donnogh McGilly Cuddy, senr.
Donnogh McCarthy, Comes Clancarthy.
Tho. Hackett, Mil.
Mich. Creagh, Mil.
Jacob. Malone.
Chrus Jant.

(2) A List of the several persons who stand indicted and outlawed in the Court of King's Bench, Ireland, for high

treason by them severally committed against their Majesties King William and Queen Mary in the Kingdom of Ireland since their happy accession to the Crown (fols. 3 to 60). The Lists for the several counties contain the following:— 1699. — No. 1471.

County of Meath.

First List (fol. 3).

Jenico [Preston], Visc. Gormanstown [Gormanston].
John, Baron Bellew of Duleek.
Randall [Plunkett], Baron Dunsany.
Matthias [Barnewall], Baron Trimlestown.
Christopher [Fleming], Baron Slane.
Sir Gerald Aylmer, Bart.
Sir Edward Tyrrell, Bart.
Sir Walter Blake, Bart., and 112 other persons.

Second List (fol. 5).

Richard [Talbot], Earl of Tyrconnell.
William [Dungan], Earl of Limerick, and 24 other persons.

Third List (fol. 6).

Jenic, Visc. Gormanstown.
John, Baron Bellew of Duleek.
Randall, Baron Dunsany.
Peter [Pierce Butler], Baron Dunboyne.
Sir William Talbot, Bart.
Sir John Nugent, Bart., and 51 other persons.

Fourth List (fol. 60).

1 name.

County of Westmeath.

First List (fol. 7).

Sir Edward Tyrrell, Bart., and 28 other persons.

Second List (fol. 8).

92 names.

Third List (fol. 10).

15 names.

Fourth List (fol. 11).

Thomas Nugent, *alias* Thomas, Earl of Westmeath.
William, Earl of Limerick.
Sir John Nugent, Bart.
Sir Ulick Burke, Bart., and 162 other persons.

County of Dublin.

First List (fol. 14).

Randall, Baron Dunsany.
Sir William Talbot, Bart.
Sir Luke Dowdall, Bart., and 45 other persons.

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Second List (fol. 31).

8 names.

Third List (fol. 55).

Richard, Earl of Tyrconnell.
William, Earl of Limerick, and 4 other persons.

Fourth List (fol. 55).

Richard, Earl of Tyrconnell.
William, Earl of Limerick, and 2 other persons.

County of the City of Dublin.

First List (fol. 15).

Richard, Earl of Tyrconnell.
William, Earl of Limerick.
Sir Bryan O'Neale, Bart.
Sir William Talbot, Bart.
Sir Patrick Trant, Bart., and 24 other persons.

Second List (fol. 15).

26 names.

Third List (fol. 16).

Richard, Eart of Tyrconnell.
William, Earl of Limerick, and 12 other persons.

Fourth List (fol. 16).

6 names.

Fifth List (fol. 16).

Randall, Baron Dunsany.
Matthias, Baron Trimlestown.
Sir Garrett Aylmer, Bart.
Sir John Everard, Bart., and 11 other persons.

Sixth List (fol. 17).

Ignatius White, called Marquis of Albeville.
Sir Patrick Trant, Bart., and 22 other persons.

Seventh List (fol. 17).

Daniel [O'Brien], Visc. Clare, and 21 other persons.

Eighth List (fol. 18).

Matthias, Baron Trimlestown.
Barnabas [Fitzpatrick], Baron of Upper Ossory.
Peter, Baron Dunboyne.
Theobald, Baron [Bourke of] Brittas, and 12 other persons.

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Ninth List (fol. 18).

Sir Ulick Bourke, Bart.
Sir Walter Blake, Bart.
Sir John Everard, Bart.
Sir John FitzGerald, Bart.
Sir William Hurley, Bart.
Sir Henry Bond, Bart., and 116 other persons.

Tenth List (fol. 20).

Richard, Earl of Tyrconnell.
William, Earl of Limerick.
Piers [Butler], Visc. Galmoye.
Claud [Hamilton], Earl of Abercorn and Baron Strabane.
Tho., Baron Dunsany.
Daniel, Visc. Clare.
Donnogh [McCarthy], Earl of Clancarty.
Sir Edward Tyrrell, Bart.
Sir Ulick Bourke, Bart.
Edward [Bermingham], Baron Athenry.
Rory [Maguire], Baron Inniskilling.*
William, Baron Castleconnell [Bourke of Connell].
Jenic., Visc. Gormanstown.
Ulick [Bourke], Visc. Galway.
John, Baron Bellew of Duleek.
Christopher, Baron Slane.
Sir John FitzGerald, Bart.
Dominic., Visc. [Sarsfield of] Killmallock.
Sir Maurice Eustace, Bart.
William, Earl of Westmeath.
Sir Henry Lynch, Bart.
Sir Patrick Trant, Bart.
Sir William Talbot, Bart.
Bryan, Visc. [Magennis of] Iveagh, and 81 other persons.

Eleventh List (fol. 55).

7 names.

Twelfth List (fol. 58).

21 names.

Thirteenth List (fol. 58).

23 names.

Fourteenth List (fol. 59).

35 names.

Fifteenth List (fol. 60).

Franc., Countess of Tyrconnell,† and 6 other persons.

* Probably the son or nephew of Connor Maguire, Lord Maguire, Baron of Enniskillen, who was hanged at Tyburn in 1644 for the prominent part he took in the Irish Rebellion of 1641, and whose peerage was forfeited. *See* Complete Peerage, edited by G. E. C.

† Frances, widow of Sir George Hamilton, Count Hamilton in France, and sister of Sarah, Duchess of Marlborough. Well known as "la belle Jennings" in the Court of Charles II. She married Tyrconnell in 1679.

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County of Wicklow (fol. 23).

31 names.

County of the Town of Drogheda (fol. 23).

Jenic., Visc. Gormanstown, and 45 other persons.

County of Louth (fol. 24).

Richard, Earl of Tyrconnell.
John, Lord Bellew of Duleek.
Christopher, Baron Slane.
Andrew Matthews, commonly called Abbot of Meliphedil, and 95 other persons.

County of Carlow (fol. 26).

68 names.

County of the City of Kilkenny.

First List (fol. 28).

64 names.

Second List (fol. 31).

Peirs, Visc. Galway [Galmoye?], and 26 other persons.

County of Kilkenny.

First List (fol. 29).

70 names.

Second List (fol. 30).

9 names.

County of Kildare (fol. 32).

Richard, Earl of Tyrconnell.
William, Earl of Limerick.
Sir Patrick Trant, Bart.
Sir Maurice Eustace, Bart.
John, Baron [Bellew of] Duleek, and 94 other persons.

County of Cork.

First List (fol. 34).

Richard, Earl of Tyrconnell.
William, Earl of Limerick.
Donatius, Earl of Clancarty, and 184 other persons.

Second List (fol. 38).

74 names.

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Third List (fol. 55).

Richard, Earl of Tyrconnell.
William, Earl of Limerick, and 19 other persons.

Fourth List (fol. 55).

Richard, Earl of Tyrconnell.
William, Earl of Limerick, and 13 other persons.

County of the City of Cork (fol. 39).

69 names.

County of Wexford.

First List (fol. 41).

Sir Garrett Aylmer, Bart.
Piers, Visc. Galmoye, and 141 other persons.

Second List (fol. 44).

Charles, Visc. Ballymore, and 14 other persons.

Third List (fol. 44).

11 names.

Fourth List (fol. 44).

2 names.

County of Waterford.

First List (fol. 44).

67 names.

Second List (fol. 56).

34 names.

County of Antrim (fol. 46).

Sir Neale O'Neale, Bart.
Sir James McDonnell, Bart., and 43 other persons.

County of Down.

First List (fol. 47).

58 names.

Second List (fol. 48).

Bryan, Visc. Iveagh, and 114 other persons.

County of Fermanagh (fol. 51).

Rory, Baron Iniskillen, and 12 other persons.

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County of Cavan (fol. 51).

Richard, Earl of Westmeath.
Patr., Baron Dunsany, and 23 other persons.

County of Tyrone (fol. 52).

Claud, Earl of Abercorn and Baron Strabane, and 41 other persons.

City and County of Londonderry (fol. 53).

Claud, Earl of Abercorn and Baron Strabane.
Piers, Visc. Galmoye.
John, Baron Duleek.
Jenico, Visc. Gormanstown.
Sir Maurice Eustace, Knt., [Bart.].
Sir Garrett Aylmer, Knt., [Bart.], and 33 other persons.

Queen's County (fol. 54).

21 names.

County of the City of Waterford.

First List (fol. 56).

Richard, Earl of Tyrconnell.
William, Earl of Limerick, and 8 other persons.

Second List (fol. 57).

2 names.

County of Armagh (fol. 57).

36 names.

County of Kerry (fol. 60).

3 names.

(3) A List of the several persons who stand outlawed for treason by them severally committed in parts beyond the seas against her [his] Majesty and her late Majesty since their accession to the Crown (fols. 61 to 95). The Lists for the several counties contain the following:—

County of the City of Dublin (fol. 61).

11 names.

County of Dublin (fol. 61).

Lady Ellen Trant, relict of Sir Patrick Trant, Bart., formerly Ellinor Nagle, and his three sons, Richard, Lawrence, and Charles Trant.
Lady Mary Euphem. Dungan, wife of William, Earl of Limerick.
Lady Honor. Sarsfield, wife of Patrick Sarsfield, Esq., and 6 other persons.

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County of Cork (fol. 62).

Donat., Earl of Clancarty and 193 other persons.

County of the City of Cork (fol. 67).

31 names.

County of the Town of Galway (fol. 67).

36 names.

County of Galway (fol. 68).

James, Duke of Berwick.
Honor. Bourk,* *alias* Sarsfield, Duchess of Berwick, his wife.
Hiasunt Nugent, Esq., son and heir of Thomas Nugent, Esq., commonly called Baron Riverstowne.
Sir Henry Lynch, Bart.
Christopher Cheevers, Esq., commonly called Lord Mountleinster.
Dominick Bourke, commonly called Bishop of Elphin.
James Lynch, commonly called Archbishop of Tuam, and 85 other persons.

County of Kerry (fol. 71).

Sir Patrick Trant, Knt., [Bart.].
Charles O'Brien, Visc. Clare, and 22 other persons.

County of the City of Waterford (fol. 71).

16 names.

County of Limerick (fol. 72).

Theobald, Baron Brittas, and 27 other persons.

County of Waterford (fol. 72).

35 names.

County of Clare (fol. 73).

John Mullony, Titular Bishop of Laon.
Philadelphia, Viscountess Dowager of Clare.
Charles O'Brien, Esq., commonly called Viscount Clare, and 36 other persons.

County of Westmeath (fol. 74).

Sir Edward Tyrrell, Bart., deceased.
Sir John Nugent, Bart., and 92 other persons.

* Honora de Burgh, daughter of William, Earl of Clanricarde. She married first Patrick Sarsfield, who was created Earl of Lucan by James II. in Jan. 1690–91. He was killed at the battle of Landen in 1693. Two years afterwards she married the Duke of Berwick.

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County of Longford (fol. 77).

Sir Christopher Browne, Bart., and 18 other persons.

County of Roscommon (fol. 78).

Sir John Nugent, Bart.
Dominick Bourke, Titular Bishop of Elphin, and 53 other persons.

County of Leitrim (fol. 80).

43 names.

County of Sligo (fol. 81).

73 names.

County of Mayo (fol. 83).

Dudley Forbisy, commonly called Prior of Ordnaree Abbey, and 82 other persons.

County of Tyrone (fol. 85).

41 names.

County of Down (fol. 86).

13 names.

County of Armagh (fol. 86).

9 names.

County of Louth (fol. 87).

Dominick Maguire, commonly called Titular Primate of Armagh, and 20 other persons.

King's County (fol. 87).

13 names.

Queen's County (fol. 87).

35 names.

County of Carlow (fol. 88).

4 names.

County of Kilkenny (fol. 88).

Piers, Visc. Galmoye, and 20 other persons.

County of Wexford (fol. 89.)

Christopher Cheevers, formerly called Lord Mount [Mount-Leinster], and 42 other persons.

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County of Cavan (fol. 90).

Christopher, Baron Slane, and 22 other persons.

County of Fermanagh (fol. 91).

Coochonoght *alias* Dominick Maguire, commonly called Titular [Primate] of Ireland.
Roger [Rory], Baron Iniskillen, and 8 other persons.

County of Donegal (fol. 91).

41 names.

County of Wicklow (fol. 92).

22 names.

County of the Town of Drogheda (fol. 93).

19 names.

County of Antrim (fol. 93).

Sir Daniel O'Neile, Bart., and 16 other persons.

County of Monaghan (fol. 93).

9 names.

City and County of Londonderry (fol. 94).

23 names.

County of Kildare (fol. 94).

14 names.

Total given as 3,921. *Signed* and *sealed* by the seven Commissioners, viz., Drogheda, Fra. Annesley, John Trenchard, James Hamilton, Hen. Langford, Ri. Levinge, Fr. Brewster.

(b^3) No. 2. A Book of Forfeitures. It contains the names of persons forfeiting by the late rebellion in Ireland, with the number of profitable acres, the values thereof, and within what county and barony they respectively lie, together with the gross values thereof. The left hand pages contain the persons not restored, the right those restored. At the end of the Book are :—

I.—An Abstract of the number of profitable acres contained in the Book, and the present yearly values of the same, by counties, giving the following totals for the whole Country :—

Persons not Restored.		Persons Restored.				Total.	
		By Favour.		By Articles.			
No. of Acres.	Value per Annum. £ s. d.	No. of Acres.	Value per Annum. £ s. d.	No. of Acres.	Value per Annum. £ s. d.	No. of Acres.	Value per Annum. £ s. d.
752,951	135,793 11 6	74,733-3	20,066 8 3	233,106	55,763 6 6	1,060,792	211,623 6 3

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II.—An Abstract of the present full value of the several forfeited lands contained in the Book, by counties, giving the following totals for the whole:—

Persons not Restored.	Persons Restored.		Total.
	By Favour.	By Articles.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.
1,699,343 14 0	260,863 7 3	724,923 4 6	2,685,130 5 9

Signed and *sealed* by the seven Commissioners.

(b^4) No. 3. Adjudications of the Council Board. This is an alphabetical list of the claimants' names, their places of abode and in what county, whether under Articles of Limerick or Galway, and the nature and date of the adjudication. The total is given as 491. *Signed* and *sealed* by the seven Commissioners. *Certified* Wm. Palmer, Dep. Cler. Com. Priv., per F. H.

(b^5) No. 4. Adjudications of the Court of Claims. It is a list similar to preceding in arrangement. The total of adjudications is given as 792. *Signed* and *sealed* by the seven Commissioners.

(b^6) No. 5. A Book of Pardons and Reversals of Outlawries by favour. It consists of:—

I.—An Account of the several Pardons for treasons which passed the Great Seal of Ireland since the victory at the Boyne, 1690.

			The considerations appearing by their Majesties' letters, reports and evidence produced to us.
(1)	28 July 1692.	A Pardon to Edmund Malone, Esq., of all treasons, &c.	By the King's favour, being outlawed after his submission to their Majesties' Government when he was in England, and never in any military employment.
(2)	6 Sept. 1692.	A Pardon to Robert Longfield of all treasons, &c.	By the King's favour, without any merit appearing.
(3)	9 Sept. 1692.	A Pardon to Ignatius Purcell, Esq., of all treasons.	By the King's favour.
(4)	20 Oct. 1692.	A Pardon to George Crofts, Esq.	A Protestant, and by the King's favour, but never indicted.
(5)	6 July 1693.	A Pardon to Thomas Brown and John Brown, Esqs.	They were never indicted, because they lived quietly, and never in any employment, but obtained their Majesties' pardon for their greater security.
(6)	25 Sept. 1693.	A Pardon to Harvey Morris, Esq.	Obtained upon the Queen's letter without any report, by interest of Mrs. Margaret Uniack for 100*l.* to her paid, and by the interest of the Earl of Romney.
(7)	12 Oct. 1693.	A Pardon to Sir John Morris.	Obtained upon the Queen's letter without any report, by Mrs. Margaret Uniack with the Earl of Romney's interest, for 300*l.* to her paid and 200*l.* more to Rd. Uniack, Esq., uncle of the said Margaret.

		The considerations appearing by their Majesties' letters, reports and evidence produced to us.
(8) 3 Nov. 1693.	A Pardon to John Bellew, Esq.	Was outlawed by his own consent to prevent the enemy having any suspicion of the services he was then doing for their Majesties in the enemy's quarters, and pardoned pursuant to a previous promise made him by the Government.
(9) 12 Aug. 1694.	A Pardon to Charles White, Esq.	By the King's favour; obtained from his Majesty [by] the interposition of his Imperial Majesty.
(10) 13 Aug. 1694.	A Pardon to Thomas Cowdall.	By the King's favour on his early submission to their Majesties' Government and services done their Majesties.
(11) 13 Jan. 1694.	A Pardon to John Kerdiff, Gent.	He always behaved himself with great affection to the Protestants, and submitted to their Majesties' Government before the 10th day of April, 1689. However [he] obtained the said pardon by the interest of Mrs. Margaret Uniack with the Earl of Romney; and she had for the same 200*l.* sterling.
(12) 3 May 1695.	A Pardon to John King, brother to the late Lord Kingston.	By his Majesty's favour.
(13) 9 May 1695.	A Pardon to Thady Fitz-Patrick, Esq.	By his Majesty's favour; having no real estate nor was in any military employment.
(14) 13 June 1695.	A Pardon to Robert Porter, Esq.	He behaved himself well and was entitled to his Majesty's pardon, by submitting himself on their Majesties' declaration in July 1690; not appearing to have any real estate, and for more caution, gave recognizance to convey to their Majesties all his estate real and leases, in case he should have any.
(15) 16 June 1695.	A Pardon to Edmund Roch, Gent.	Was outlawed for foreign treason, though never out of the Kingdom; but agreed with Mr. Richd. Darling, the Earl of Romney's agent, for 500*l.*, for obtaining his pardon by the said Earl's interest; which sum was paid to the said Mr. Darling soon after the said pardon obtained, which Mr. Darling told him was for his Lordship's use.
(16) 27 July 1695.	A Pardon to Capt. Richard Martin.	By the King's favour.
(17) 1 Aug. 1695.	A Pardon to John Malone, Esq.	By the King's favour.
(18) 1 Aug. 1695.	A Pardon to John Galway, Esq.	By his Majesty's favour.
(19) 12 June 1696.	A Pardon to Oliver Grace, Gent.	By his Majesty's favour.
(20) 26 June 1696.	A Pardon to John Hussey, Esq.	By his Majesty's favour, and had no employment.
(21) 15 April 1697.	A Pardon to Richard Bellew, Esq., commonly called Lord Duleek.	Because within the Articles of Limerick, but before he could obtain the same he released to the Lord Raby 1,000*l.* principal money, and 700*l.* or 800*l.* interest due by statute staple from Sir William Wentworth, father to the said Lord Raby, to the said Lord Bellew's father; and also released to the Earl of Romney about 3,000*l.* mesne profits.

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			The considerations appearing by their Majesties' letters, reports and evidence produced to us.
(22) 2 July 1697.		A Pardon to James, Earl of Tyrone.	That he was forced by the severity of his father to continue in the city of Waterford during the siege. That upon the surrender thereof he left his father and his regiment when they went to Cork and submitted himself to his Majesty, who, over and above the Articles granted to Waterford, promised him his gracious pardon, he having always behaved himself with great tenderness and affection to the Protestants, himself being one and educated in that religion.
(23) 24 May 1698.		A Pardon to Thomas Nugent, of Sheanstown, Com. West Meath.	
(24) 3 June 1698.		A Pardon to Dennis Daly, Esq.	Adjudged within the Articles of Galway, by which Articles those thereby provided for are to have a general pardon for all crimes committed from the beginning of King James's reign to the date thereof, and that by a promise under the hand of General Ginckle, dated the 26th July 1691, at his Majesty's camp near Galway, he was to enjoy his estate to him and his heirs free from all forfeitures, as the Protestants of Ireland enjoyed theirs.
(25) 3 June 1698.		A Pardon to Francis Foster, Esq.	On his bringing in part of his troop to Col. Hen. Cunningham, pursuant to their Majesties' proclamation of the 7th of July, 1691, whereby all persons are freely and absolutely pardoned all treasons, &c., if they submitted within three weeks after the date thereof to their Majesties' obedience, and brought with them their troops or companies, or a considerable part thereof.
(26) 8 Sept. 1698.		A Pardon to Francis Blake and Martin Blake.	By his Majesty's favour.
(27) 8 Sept. 1698.		A Pardon to John Brown	By his Majesty's favour, he behaving himself with tenderness to the Protestants.
(28) 6 October 1698.		A Pardon to Patrick French, Esq.	By his being instrumental in the surrender of Galway to their Majesties.

II.—An Account of those persons that have reversed their outlawries by Special Warrant.

(1) 20 April 1692.	Charles, Lord Baltimore, of Cloghamon, in the county of Wexford.	By his Majesty's letter.	Because never in rebellion, nor for many years so much as in Ireland.
(2) 20 April 1692.	Matthew Bellew, of Rogerstown, Gent., in the county of Meath.	Ditto -	Because not in the Kingdom during the war.
(3) 24 April 1692.	Lucan, Lord Fingal de Virginia, in the county of Cavan.	Ditto -	Because dead many years before the Rebellion, and his son Peter, Earl of Fingal, a minor, and never in Ireland.
(4) 3 May 1691	Thomas Uniack, of Youghal, Alderman, in the county of Cork.	Ditto -	By her Majesty's favour.
(5) May 1692	Almarick, Lord Baron of Kinsale, in the county of Cork.	By order of the Lords Justices.	By his Majesty's favour.

II.—An Account of those persons that have reversed their outlawries by Special Warrant—*continued.*

(6) 28 May 1692	Edmund Malone, of Cartrons, Esq., in the county of West Meath.	By order of the Lords Justices.	For the same reasons mentioned in his pardon, *antea*.
(7) 13 June 1692.	James Barry, of Rathcormuck, Esq., in the county of Cork.	By his Majesty's letter.	A Protestant, in England at the time of his outlawry; and outlawed by mistake.
(8) 31 (*sic*) June 1692.	Ignatius Purcell, of Cromlyn, Esq., in the county of Dublin.	By her Majesty's letter.	For the same reasons mentioned in his pardon, *antea*.
(9) 8 Nov. 1692	Richard, Lord Tyrone, of Curraghmore, in the county of Waterford.	By his Majesty's letter.	By his Majesty's favour, and to preserve the honour to his son John, the late Earl of Tyrone, who was always bred a Protestant, zealous for their Majesties' Government and service and for the Protestant interest.
(10) 25 Nov. 1692.	Nicholas, Lord Viscount Nettervill, of Douth, in the county of Meath.	By their Majesties' letter.	Because outlawed after his death and an estate settled on his children.
(11) 20 Dec 1692.	David Crosby, of Ardford, Esq., in the county of Kerry.	By his Majesty's letter.	Was outlawed by mistake for his brother William.
(12) 19 Jan. 1692.	Theobald, Lord Baron of Cahir.	Ditto -	By their Majesties' favour.
(13) 26 May 1693.	John Bellew, of Barmeath, Esq., in the county of Louth,	Ditto -	For the same reason mentioned for obtaining his pardon, *antea*.
(14) 24 May 1693.	Charles Throgmorton, of Crincitown, in the county of Louth.	Ditto -	By her Majesty's favour on her letter, but no report nor any reasons mentioned in the said letter.
(15) 16 June 1693.	Richard Talbot, of Malahide, Esq., in the county of Dublin.	Ditto -	By their Majesties' favour, for having no other employ but that of Auditor-General.
(16) 17 June 1693.	John Galway, of the city of Cork and county of Cork, Esq.	Ditto -	For the same reasons as in his pardon, *antea*.
(17) 1 July 1693.	John Hussey, of Kilmullin, Esq., in the county of Meath.	Ditto -	By his Majesty's favour, he having had no employment.
(18) 1 July 1693.	Matthew Hore, of Shandon, in the county of Waterford, Gent.	Ditto -	By their Majesties' favour, he being aged and bedrid, and only tenant for life.
(19) 16 Nov. 1693.	John Malone, of Cartrons, Gent., in the county of West Meath.	Ditto -	Because he behaved himself with great tenderness to the Protestants.
(20) 9 Feb. 1693.	Manus Shee, of Waseshays, Esq., in the county of Kilkenny.	By order of the Lords Justices.	His outlawry reversed by his son Richard, who was adjudged within the Articles of Limerick, the estate being settled on him.
(21) 20 June 1694.	Theobald, Lord Viscount Dillon, of Costello, in the county of Mayo.	By his Majesty's letter.	Because within the Articles of Limerick.

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II.—An Account of those persons that have reversed their outlawries by Special Warrant—*continued.*

(22) 26 June 1694.	Sir Valentine Brown, of Westpalstown, in the county of Dublin.	By his Majesty's letter.	Because outlawed after his death.
(23) 8 Nov. 1694.	William Weldon, of Raffin, Gent., in the county of Meath.	By order of the Lords Justices.	By his Majesty's favour.
(24) 11 Nov. 1694.	Nicholas FitzGerald, of Waterford, in the county of Waterford, Gent.	Ditto -	By his Majesty's favour, he having no visible real estate; however, for greater caution, entered into recognizance to convey any real estate that he might have.
(25) 22 Nov. 1694.	John Kerdiff, of Flemmingstown, in the county of Meath, Gent.	By his Majesty's letter.	For the same reasons mentioned for his pardon, *antea*.
(26) 11 Apl. 1695.	John King, of Boyle, Esq., in the county of Roscommon.	By order of the Lords Justices.	By his Majesty's favour.
(27) 24 May 1695.	Robert Porter, of Kildare, Esq., in the county of Kildare.	By his Majesty's letter.	For the same reasons mentioned for his pardon, *antea*.
(28) 8 June 1695.	Edmund Roch, of Dundarrow, Esq., in the county of Cork.	Ditto -	Ditto.
(29) 30 March 1697.	Richard Bellew, of Castle Town, now Lord Bellew.	Ditto -	Ditto.
(30) 3 June 1698.	Barnaby, Lord of Upper Ossory, in the Queen's County.	Ditto -	By his Majesty's favour.
(31) 30 May 1698.	Nicholas French, of Abbert, Gent.	Ditto -	Because obtained by surprise, and misinformation.
(32) 12 July 1698.	Patrick Sarsfield, of Lucan, in the county of Kildare.	Ditto -	By his Majesty's favour.
(33) 23 Nov. 1698.	Henry Crofton, of Sligo, Gent., in the county of Sligo.	Ditto -	Ditto.
(34) 25 Nov. 1698.	Edmund, Lord Baron of Athenrhee [Athenry], in the county of Galway.	By order of the Lords Justices.	Ditto.
(35) 28 Nov. 1698.	John Kelly, of Roscommon, Esq., in the county of Roscommon.	By his Majesty's letter.	Ditto.
(36) Undated -	Robert Fielding, Esq., a Colonel.	Ditto -	Ditto.
(37) Undated -	John, Lord Baron of Duleek, (defunct).	Ditto -	Ditto.

Signed and *sealed* by the seven Commissioners.

(b^7) No. 6. A Book of Grants. A Book containing the number of grants and custodiams now in being, with the dates and considerations, in all 76. This is a Tabular Statement, containing the following columns (1) Number, (2) Dates of the grants, (3) Names of the grantees, (4) What granted, (5) Counties wherein the grants lie, (6) Nature of the grants,

(7) Number of acres, and (8) Considerations. Columns (1), (3), (6), (7) and (8) are as follows :—

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres. A.	R.	P.	Considerations.
1	Henry, Lord Viscount Sydney.	—	—			The consideration of services done.
2	Ditto -	In fee -	36,462	2	4	Ditto.
3	Ditto for reprisals.	Ditto -	13,055	3	30	Ditto.
4	Goddart [Godert], Earl of Athlone.	Ditto -	15,662	2	20	Services done in the reduction of Ireland.
5	Ditto - -	Ditto -	10,818	0	16	Ditto.
6	Earl of Abercorn.	Ditto -	—			That he was a Protestant, and was bound for his brother or near the value of the estate granted.
7	Charles Deering, Esq.	Ditto -	—			For his care in keeping the Records.
8	John Forster, in trust for the Earl of Drogheda.	Part in fee, part in years.	16	0	0	In consideration of a debt of 440*l.* due by a statute staple from Ignatius and Christopher Peppard to the Rt. Honble. the Earl of Drogheda, which is more in value than the estate granted.
9	James Corry, Esq.	Benefit of the mortgage.	—			The considerations mentioned in his grant are, his house being burnt and his having furnished the garrison of Enniskillen with provisions and materials to the value of 3,000*l.* at his own expense. But enquiring into the merits of this gentleman, it appeared to us that he gave no assistance to the men of Enniskillen, and that in the town of Enniskillen he publicly declared he hoped to see all those hanged that took up arms for the Prince of Orange, and his house was burnt by the said garrison.
10	Ditto - -	In fee -	1,725	0	0	
11	Sir Thomas Domvill.	Ditto -	400	0	0	In consideration of Sir Thomas Domvill's extraordinary services and charges in his office of the Clerk of the Crown and Hanaper in the Kingdom of Ireland, without fee or reward, and in further consideration of a mortgage of 2,000*l.*, with arrears of 1,100*l.* interest.
12	Ditto -	Ditto -	1,064	0	0	Ditto.
13	Archbishop of Dublin.	Ditto -	491	2	0	For making up the revenue of the Archbishopric of Dublin 2,000*l.* per annum.
14	Randolph Kien, Esq.	Ditto -	1,542	3	38	In consideration of many faithful services by him performed.
15	Countess Dowager of Drogheda.	King's right.	—			Her losses in the war, and in truth the whole she has, or is likely to receive above charges is but 122*l.* 3*s.* 1*d.*
16	John Baker.	In fee -	1,647	0	0	The great and memorable services his father, Col. Henry Baker, performed in the defence of the city of Londonderry.

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No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.	Considerations.
			A. R. P.	
17	Bishop of Limerick, for the repair of the churches.	King's right.	795 0 0	For repairing the churches in Limerick which were damaged by the siege.
18	James Roch.	In fee -	1,321 0 0	In consideration of services done in relieving the city of Londonderry.
19	Sir William Ashurst.	Said debts	—	For satisfaction of a debt due to him of 1,218*l.* 0*s.* 6*d.* from Richard and Andrew Dalton with costs and charges, and only till that debt is paid off.
20	Nehemiah Donelan, Esq.	Sixty-one years.	—	In consideration of a debt of 900*l.* and to encourage him to improve on the premises.
21	Sir Michael Mitchell.	—	3,241 0 0	The benefit of a mortgage of 800*l.* forfeited by Terence Dermott, and also an annuity of 200*l.* forfeited by Oliver Eustace; to be held during the life of the said Oliver, in consideration of his services.
22	Henry, Earl of Galway.	In fee -	36,148 2 36	In consideration of the many good and faithful services by him performed.
23	Thomas Keightly, Esq.	For 99 years.	7,798 1 23	As a portion or provision for Catherine Keightly, the daughter and only child of the said Thomas, and as a further recompense of his services and losses in the late troubles of Ireland.
24	Ditto for reprisals.	Ditto -	4,583 3 20	Ditto.
25	The Earl of Bellamont.	1,000 years	77,290 3 25	Many good services by him performed.
26	Tho., Lord Coningsby.	Ditto -	5,966 3 32	Ditto.
27	Walter Delamar.	21 years -	4,142 0 0	In consideration of a debt of 719*l.* due to him.
28	Henry Lutterell, Esq., or to Walter Delamar in trust for him.	In fee -	433 1 7	The good services by him done in the surrender of Limerick, pursuant to the Lord Athlone's promise.
29	Charles Campbell, in trust for Hannah McDonnel.	—	—	As a recompense for the said Hannah McDonnel having discovered the King's title to the estate of her husband, Randal McDonnel.
30	Arthur Podmore and Joshua Dawson.	99 years -	1,212 0 7	In consideration of their being in the office of first Secretary to the Chief Governors of Ireland, and that they have been at great trouble and pains in transacting matters relating to the army without receiving any reward or fees for the same.
31	Ditto - -	Ditto -	30 0 0	A reprisal, the former grant not amounting to the sum of 200*l.* per annum,
32	Edward Fitz-Patrick and Richard Fitz-Patrick, Esqs.	King's right.	2,431 0 28	In consideration that the said lands were held from the said FitzPatrick's kinsman, in whom the reversion is and was to return to the family at the death of the proprietor.

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres. A.	R.	P.	Considerations.
33	Tho. Railton, Esq. Debts amounting to 10,288*l.* 8*s.* 10*d.*	King's right.				In consideration of the many good and faithful services by him performed.
34	Nehemiah Donellan, Esq., a Discoverer.	For ever -	804	3	0	In consideration of a fourth part of several estates by him discovered to be forfeited, and the King's title thereunto by him and John Usher in trust for him made out. He claims the benefit of this grant as Discoverer, when he was at that time in the actual service of his Majesty as his Prime Serjeant, and sat as a Commissioner on the Inquisition for finding and making out the King's title to that part of his grant as lies within the county of Galway.
35	Alex. Steuart.	In fee -	5,347	2	0	In consideration that he being storekeeper and master of the train of artillery in Ireland in the year 1688, and of his loss of 400*l.* due to him, for which he had Exchequer acquittances directed to the Collector of Londonderry; the said Collector pretending he supplied the garrison of Londonderry with what money he had, and so could not pay it.
36	Earl of Albemarle.	Ditto -	13,534	3	16	In consideration of many good and faithful services by him performed.
37	Ditto, for reprisals.	Ditto -	95,099	0	31	In consideration of services.
38	Lord Montjoy.	21 years -	11,070	1	1	In consideration of his losses, services, and sufferings.
39	Earl Rochfort.	In fee -	8,782	1	32	In consideration of his many good and acceptable services by him performed.
40	Ditto, Earl, for reprisals.	Ditto -	31,089	0	39	Ditto.
41	William Wolsley, Esq.	21 years at that Qt. Rts.	8,796	2	26	In consideration of his many great services performed,
42	Mordecai Abbott, Esq.	In fee -	5,114	1	12	Many good and faithful services performed.
43	William Bentinck, Esq., commonly called Lord Woodstock.	Ditto -	135,820	2	27	No consideration mentioned in the Letters Patent.
44	In trust for Sir Charles Porter's children.	Ditto -	3,558	2	34	In consideration of many good and faithful services performed by him in his lifetime, and also in compassion of his children that were left destitute after the death of their father, Sir Charles Porter.
45	Nathaniel Spencer	Ditto -	395	0	0	His services and sufferings in the late troubles.
46	Thomas Pendergast, Esq., now Sir Thomas Pendergast.	Ditto -	4,488	0	0	The many good and acceptable services to his Majesty performed, particularly in discovering a most barbarous and bloody conspiracy to assassinate the King's most excellent Majesty, to destroy the liberties of England, and in consequence the Protestant Religion throughout Europe.
47	Ditto for reprisals.	Ditto -	2,594	2	33	Ditto.

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No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.	Considerations.
			A. R. P.	
48	Maurice Anesly, Esq.	In fee -	—	In consideration of many good and acceptable services by him performed, and of his great sufferings and losses in the late troubles, particularly in a wood of 30,000 oak trees that were cut down and destroyed by his Majesty's camp at Dundalk; and in his diligence and industry in persecuting the "Raparees" in this county, that thereby he did reduce that part of the country where he lives into perfect obedience and still does continue very useful to his country.
49	Sir Edwd. Byron.	99 years -	1,216 0 0	In consideration of many good and acceptable services by him performed.
50	Marki de Puyssar.	In fee -	25,753 1 0	Many good and faithful services performed.
51	Ditto, for reprisals.	Ditto -	4,759 2 21	Ditto.
52	Doctor John Lesly.	For life of the grantee.	16,077 0 35	His early services in the war of Ireland; his great expense in raising and arming considerable numbers of men and fighting at the head of them in several engagements.
53	Sir Richard Billingham.	King's right.	—	No consideration mentioned in the Letters Patent.
54	Hector Vaughan, a Discoverer.	In fee -	685 3 20	In consideration of his fourth part, as being a Discoverer.
55	Gustavus Hamilton, Esq.	Ditto -	5,382 1 27 1,900 0 0 3,482 1 27	His great and early services in the war of Ireland; his wading the Shannon and storming the town of Athlone at the head of the English grenadiers. 1900 acres are in the grant; but no part of the forfeitures, the estate of Mr. Coglane put into the grant only to get possession to secure a debt due to Col. Gustavus Hamilton.
56	Robt. Aleway, Eneas Dayly and John Cusack, Discoverers.	Ditto -	1,248 0 0	In consideration of their fourth part of lands by them discovered.
57	Danl. McVaugh, a Discoverer.	Ditto -	136 2 30	In consideration of the fourth part of lands discovered by him.
58	Wilim. Taylor, a Discoverer.	Ditto -	353 0 0	Ditto.
59	John Ellis, Esq. -	—	423 1 25	In consideration that Sir Wm. Ellis in 1688 became indebted unto John Ellis in the sum of 1,200*l.* with interest amounts to 2,400*l.*; and prays his Majesty's title, that he paying the incumbrances, may recover his said debt for his many and acceptable services performed.

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.	Considerations.
			A. R. P.	
60	Major - General Steuart.	In fee -	6,743 0 4	In consideration of services performed, and his being early in his Majesty's service in the late trouble.
61	Tho. Cooke, merchant.	King's right.	2,565 2 28	No consideration mentioned in the Letters Patent.
62	Lady O'Neile, and Daughters.	41 years -	7,318 1 16	In consideration of her jointure and her daughters' portions.
63	Francis De La Rue, Esq.	In fee -	3,966 0 24	In consideration of good and acceptable services by him performed to his Majesty, particularly in discovering a most barbarous and bloody conspiracy to assassinate the King's most excellent Majesty, to destroy the liberties of England and in consequence the Protestant Religion throughout Europe.
64	Lady Gravemore.	—	21,006 1 0	In consideration of the manifold and long services of her husband, Lieut.-Gen. Gravemore.
65	Christopher Wray.	During the life of Drury Wray, at 6*d.* Quit Rent.	—	That he was a Protestant and in the service of his Majesty all the wars, and his father, Sir Drury Wray only tenant for life.
66	Col. Tho. St. John.	For 3 years at 255*l.* 14*s.* per ann. Quit Rent.	—	In consideration of services by him performed.
67	Thomas Wade.	Remainder of the lease, being 5 years at 10*l.* per annum, besides the Ground Landlord's Rent.	—	For services by him performed.
68	William Todd, for the use of the Corporation of Tailors.	For 25 years at 1*l.* 3*s.* per annum, and besides the rent to the Corporation of Tailors.	—	No consideration mentioned in the Letters Patent.
69	Cha. Deering, Esq., expired, and afterwards in grant as appears in this book, No. 74.	A custody for two years at the Quit Rent. Renewed for seven years more from Lady Day 1698 at the Quit Rent.	—	In consideration of the said Cha. Deering's petition and a report to the Commissioners of the Treasury in England, he being Auditor-General of Ireland.
70	Randolph Kein, Esq., a release of.	—	—	In consideration of many faithful services by him performed.

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No.	Names of the Grantees.	Nature of the Grants.	Number of Acres. A. R. P.	Considerations.
71	Kath. Harris.	By custod. for her life.	—	The consideration was the blood of her husband, who was pretended to be killed by the Lord Clancarty and his troopers; whereas, in truth, she compounded with the Lord Clancarty for the blood of her husband, and received of his Lordship 100*l.* in full satisfaction thereof, for which she gave her release under hand and seal to the Lord Clancarty.
72	John Stowell, to the use of George Treswell Fanshaw, Eliz. Plowden, and Ursulla Grimbstone.	During pleasure by custod.	—	No consideration mentioned in the Letters Patent.
73	Ellinor Brown, widow.	By custod. for 21 years.	—	For services performed in the late troubles of Ireland by her husband in his life time.
74	Chas. Deering, Esq.	By ditto for 9 years.	3,150 0 0	As in Number 69.
75	Bryan Murtogh.	By ditto for 21 years.	—	In consideration of services done by him.
76	John French and others, to the use of Lord Bophin.	By ditto during pleasure, at 5*s.* per annum.	—	For services by him done.
	Total No. of Acres in this book		656,807 2 0	

Signed and *sealed* by the seven Commissioners.

(b^8) No. 7. A Book of Incumbrances. It is a Tabular Statement in the following columns: (1) Forfeiting persons, not restored; (2) County and Barony; (3) Denominations; (4) Incumbrances: (5) Debts paid or near paid; (6) What; (7) To whom; and (8) Observations.

The totals given at the end are:—

Total Incumbrances, 185,881*l.* 5*s.*; Where it is paid or near paid, 239,441*l.* 9*s.* 6*d.*; Remain, 161,936*l.* 15*l.* 6*d.** *Signed* and *sealed* by the seven Commissioners.

(b^9) No. 8. A Book of debts due to forfeiting persons not restored. An Account of what moneys appear to be due (to persons outlawed for the late rebellion in Ireland since the 13th day of February 1688 and not restored) by Judgment and Statute; together with a few mortgages, and from whom such debts are owing. It is a Tabular Statement of Judgment debts in the following columns: (1) Creditors' names; (2) Term; (3) Year; (4) Debt; (5) Costs. The first column gives, alphabetically, the creditors' names *versus* the debtor in each case.

* The figures in the various columns referred to have been added up incorrectly. The totals altogether amount to 191,324*l.* 3*s.* 6*d.*, out of which the "debts paid or near paid" come to 25,817*l.* 10*s.* The sum still owing is 165,506*l.* 13*s.* 6*d.*

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II. A Table of Statutes in the following columns: (1) Dates of the Statutes; (2) Creditors' names; (3) Sums of money. The second column gives the debtors' names in the same manner as the first column of the previous table.

III. Four mortgages to Sir Patrick Trant and one to Daniel Arthur. At the end is an abstract of the debts due to forfeiting persons, not restored.

	£	s.	d.
By Judgments - - -	83,154	1	9
Costs - -	177	12	1
Statutes Staple - - -	27,000	0	0
Mortgages - - -	9,682	0	0
Total -	120,013	13	10

Signed and *sealed* by the seven Commissioners.

(b^{10}) No. 9. The Book of the Private Estate. A Book containing the number of profitable acres belonging to the Private Estate in grant to Mrs. Villiers, now Lady Orkney, within what counties and baronies they lie, with the yearly and total value. It is a Tabular Statement, according to counties, in the following columns: (1) Baronies; (2) Number of acres, profitable; (3) Ditto, unprofitable; (4) Value per acre; (5) Total value per annum; (6) Years' purchase; (7) Total value. An abstract at the end, of the totals for each county, gives a total of 95,649.2 profitable acres, valued at 25,995*l.* per annum, or at a total value of 337,943*l.* 9*s.*

Signed and *sealed* by only four of the Commissioners, viz., Annesley, Trenchard, Hamilton, and Langford.

(b^{11}) The Commissioners' Report to the House, as follows:—

May it please your Lordships,

1. According to the powers given us by a late Act of Parliament made in the 10th and 11th years of his Majesty's reign, entitled, an Act for granting to his Majesty the sum of 1,484,015*l.* 1*s.* 11¾*d.* for disbanding the Army, providing for the Navy, and for other necessary occasions, we have enquired into and taken an account of the forfeited estates in Ireland, and do humbly lay before your Lordships this our following Report, as the result of our proceedings.

2. But first we must humbly crave leave to represent to your Lordships the many difficulties we have met with, which we fear may render our enquiry less satisfactory than otherwise it might have been.

3. It is usual for the General Governors of this Kingdom when they are removed from their employment, to carry away the books and papers relating to their proceedings during their government, which we apprehended may have been some hindrance to our enquiry.

4. Soon after the battle of the Boyne, Commissioners of Forfeitures were appointed under the Great Seal of Ireland, who substituted Commissioners in the several counties of this Kingdom then in his Majesty's possession. These Sub-Commissioners acted very vigorously, and made returns of great quantities of goods forfeited, but several of these books we were not able to get, which was a great disadvantage to our proceedings; these returns having been made whilst the mischiefs were

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fresh and the resentments high between Protestants and Papists, and consequently with less favour than has been since shown.

5. Many Commissions for taking inquisitions have issued, both from the Chancery and Exchequer, that are not sped; and many others have been imperfectly taken and worse drawn up, and some have never been returned nor so much as the records made up by the escheator.

6. Great quantities of lands, found in the inquisitions, have not been put in charge to his Majesty nor appear in the rent-rolls, and many denominations appear in the rent-rolls, of which no inquisitions were taken, and a great many other parcels of lands are mentioned in the grants, which are neither found in the inquisitions or rent-rolls, and some in the Sub-Commissioners' returns that are found nowhere else; and there may be many more, of which we can trace no footsteps.

7. As we cannot complain to your Lordships of any direct disobedience to our authority, so we must take notice that we had from few offices that despatch which was necessary to the work we had the honour to be employed in; but whether this proceeded from any unwillingness to obey us, the multitude of other business, or the irregular methods of keeping their books, we do not affirm.

8. Particularly the books of the Commissioners of the Revenue relating to the forfeitures, are so ill and confusedly kept, as much delayed us in our proceedings, but this we do not attribute so much to the Commissioners of the Revenue as to shifting this enquiry from one Commission to another; which has been done five times since the battle of the Boyne, so that no Commissioners, if they were disposed to it, have been able to take any steady view of the forfeitures and digest them into method.

9. By this means we have been forced to examine such bundles of records and volumes of other papers as have taken up much of that time which might otherwise have been employed in the examination of the values and enquiring into the mismanagement of the forfeitures, which appear to us very great, though by the distance of time, the agreement of parties concerned, the death of some, and departure of others out of the Kingdom, most of the tracks are worn out, so that we found it very difficult, and in many cases impossible, to come at a true information.

10. Besides this, there appeared to us to be a very great backwardness in the people of this Kingdom to give any information, which, in our humble opinion, does not proceed from any dislike to the business of our Commission, or disobedience to the authority that sent us, but from the fear of the grantees and the persons in power whose displeasure in this Kingdom is not easily borne, besides, reports seem to us to have been industriously spread abroad and generally believed, that our enquiry would come to nothing, and was only the effect of a sudden resolution, which hindered many persons from making considerable discoveries. But we humbly conceive if such fears were removed, the forfeitures would appear much greater.

11. Added to all these difficulties, our business itself was so very voluminous and consisted of so many parts, that an exact scrutiny into all the particulars could not have been made in a

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much longer time than we were confined to; but such an account as under these disadvantages we were able to acquire, we do, with all humility, lay before your Lordships.

12. The persons outlawed in England since the 13th day of February 1688, on account of the late rebellion here, amount in number to 57, and in Ireland to 3,921; all which, with their additions, and counties in which they were outlawed, appear in a book delivered in with this Report, No. 1.

13. The estates that the said persons or any of them were possessed of or interested in, either in law or equity, since the 13th day of February 1688, that came to our knowledge, together with the proprietors' names, the number of acres, the county and barony in which they lie, the value of them per annum, and the total value, appear in a book delivered in with this Report, No. 2.

14. But the gross number of all the acres belonging to forfeiting persons in each county, the yearly and total value, esteeming a life at 6 years' purchase and an inheritance at 13 years, which we apprehend to be at this time the value of the lands of this Kingdom, appear to us to be as follows:—

——	Acres Profitable.		Value per Annum.			Total Value.		
	A.	R.	£	s.	d.	£	s.	d.
In the County of Dublin -	34,546	0	16,061	6	0	208,796	18	0
In the County of Meath -	92,452	1	31,546	4	6	410,100	18	6
In the County of West Meath.	58,083	1	14,633	12	6	190,237	2	6
In the County of Kildare -	44,281	1	16,551	18	6	215,175	0	6
In the County of Catherlough [Carlow].	26,303	0	7,913	11	6	95,872	2	0
In the County of Wicklow	18,164	0	2,719	3	0	35,348	19	0
In the County of Wexford	55,882	2	7,551	10	6	98,169	16	6
In the Queen's County -	22,657	0	5,002	8	9	65,031	13	9
In the King's County -	30,459	3	6,870	18	0	89,321	14	0
In the County of Kilkenny	30,152	2	5,243	3	6	68,161	5	6
In the County of Longford	2,067	2	348	9	9	4,530	6	9
In the County of Louth and town of Drogheda.	22,508	0	6,331	11	0	82,310	3	0
In the County of Cork -	244,330	0	32,123	12	6	417,737	2	6
In the County of Kerry -	90,116	0	3,652	11	9	47,483	12	9
In the County of Clare -	72,246	0	12,060	17	0	156,791	1	0
In the County of Waterford	21,343	0	4,190	10	0	54,476	10	0
In the County of Limerick	14,882	3	4,728	10	0	61,470	10	0
In the County of Tipperary	31,960	3	8,888	12	6	115,552	2	6
In the County of Galway -	60,825	0	10,225	4	0	83,528	19	0

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	Acres Profitable.		Value per Annum.			Total Value.		
	A.	R.	£	s.	d.	£	s.	d.
In the County of Roscommon.	28,933	0	5,808	15	0	69,676	2	0
In the County of Mayo -	19,294	0	3,186	5	0	37,598	3	0
In the County of Sligo -	5,562	2	998	17	6	12,985	7	6
In the County of Antrim -	10,103	3	1,944	18	6	25,284	0	6
In the County of Down -	9,079	0	1,016	6	6	13,212	4	6
In the County of Armagh -	4,962	0	588	0	0	7,644	0	0
In the County of Cavan -	3,830	1	478	12	6	6,222	2	6
In the County of Monaghan	3,832	0	558	16	0	7,264	8	0
In the County of Fermanagh	1,945	0	389	0	0	5,057	0	0

All these lands in the several counties aforesaid, as far as we can reckon by acres, being added together, make 1,060,792 acres, worth per annum 211,623*l.* 6*s.* 3*d.* (besides the several denominations in the said several counties to which no number of acres can be added by reason of the imperfection of the surveys not here valued), which we humbly represent to your Lordships as the gross value of all the lands forfeited in Ireland since the 13th day of February 1688.

15. Next we think it our duty to acquaint your Lordships, what proportions of these lands have been restored to the old proprietors, by virtue of the Articles of Limerick and Galway, and by his Majesty's favour.

16. Three letters, one from her late Majesty Queen Mary, of ever blessed memory, dated the 15th day of March 1691–2, to the Rt. Honble. the Lord Sydney, Sir Charles Porter, Knt., and Thomas Coningsby, Esq., then Lords Justices and Chief Governors of this Kingdom; one other letter from her said late Majesty, dated the 6th day of May 1693, to the said Lord Viscount Sydney, then Lord Lieutenant and General Governor of this Kingdom, and to the Privy Council there for the time being; and one other letter from his Majesty, dated the 24th day of April 1694, to the Right Hon. Henry, Lord Capel, Sir Cyril Wich, Knt., and Wm. Duncombe, Esq., then Lords Justices of this Kingdom, and to the Privy Council there for the time being, were severally [addressed] to them, empowering them to hear and determine the claims of all persons pretending to be within the Articles of Limerick and Galway. And in pursuance of the said letters, 491 persons were adjudged within the Articles aforesaid; the names of which persons, with their additions and the times of their adjudications, appear in a book delivered in with this Report, No. 3.

17. Afterwards, a Commission dated the 25th day of February, in the 8th year of his Majesty's reign, passed under the Great Seal of Ireland, empowering the Judges of the several Courts here, or any five of them, to hear and determine the claims aforesaid, and in pursuance of that Commission, 792

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persons were adjudged within the Articles aforesaid, the names of which persons, with their additions and the times of their adjudications, appear in a book delivered in with this Report, Numbered 4.

18. The estates that the persons have been restored to, by virtue of their adjudications, contain 233,106 acres of land, amounting in yearly value to 55,763*l.* 6*s.* 6*d.*, value total 724,923*l.* 4*s.* 6*d.*; the particular number of acres belonging to persons adjudged, the county and barony in which they lie, with the yearly value and what the whole interest is worth appears in the book, No. 2.

19. And here we presume not to judge whether the said letters from his Majesty or the late Queen to the Lords Justices and Council, or the Commission under the Great Seal to the Judges, did give them any legal authority to summon the subjects from all parts of the Kingdom; give oaths, adjudge without jury, and levy money under the name of fees, we finding no Act of Parliament to warrant the same, which we humbly submit to your great wisdom.

20. Further, we think it necessary to inform your Lordships that the fees in the said Courts were so extravagant, that Mr. Palmer, who acted as registrar in the right of Mr. Poultney, and divided the profit with him, demanded of Mr. Luke Dillon, for the fees of his father's adjudication 86*l.*; and Mr. Steele, crier of the Court, 15*l.* more; nor could Mr. Dillon get out the order to reverse his father's outlawry till he had paid 52*l.* in ready money to Mr. Palmer, and gave him his bond for 14*l.* more, and had paid Mr. Steele 5*l.* besides 10*l.* which he had paid to Mr. Palmer before for orders, the Cause being continued in the Court near two years. Nor was this a single case, for many more have paid great sums of money upon the like account, the charge only of entering a claim before we acted in our Commission being near 5*l.*, though by express words of the Articles of Limerick, no persons ought to pay any fees but to writing clerks.

21. We may add to this, that the proceedings of the last Court of Claims are almost universally complained of, and we fear with too much reason, some persons having been adjudged without posting their claims, others within a day or two after, before the King's Counsel or witnesses could be ready, which was contrary to the rules of the Court itself, that required fourteen days between the posting every claim and the adjudication. It was also observable, that, if any person would disclaim his estate, he met with very little difficulty in being adjudged, though afterwards there could be no obstacle to the reversing his outlawry, and consequently to be restored to his estate. In general it seems to us that there has been great miscarriages in the said Court, and that in many cases the Articles of Limerick and Galway have been expounded too beneficially in favour of persons outlawed; and often upon the oath of witness, who we humbly conceive cannot be convicted for perjury, either by Common or Statute Law. By this means, we apprehend a great many persons have been restored to their estates that upon review would be found to belong to his Majesty; to come to a more particular knowledge of which we sent to the said Mr. Palmer for the minutes of the adjudications, but he having taken them in short-hand only and never since transcribed them,

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we could not get such an account as was fit to lay before your Lordships; we shall only take notice of one thing on this occasion that seems to us very extraordinary; that more persons were adjudged within Articles since the commencement of our enquiry, than had been since the making of the said Articles.

22. Next, we are to acquaint your Lordships what estates have been restored to the old proprietors, by reversal of outlawries or his Majesty's pardon.

23. The reversals are of two sorts, such as have been in pursuance of adjudications, all marked in Nos. 3 and 4 in distinct columns; for that purpose the estates restored by the reversals are already computed under the consideration of persons adjudged.

24. The other sort are such as have been reversed by his Majesty's or late Queen's letters or orders to the Lords Justices, which with all pardons and the considerations inducing the same passed since the defeat at the Boyne, amounting to 65, and appear in a book delivered in with this Report, No. 5. The estates restored to the several persons pardoned, or that have reversed their outlawries by his Majesty's favour, contain 74,733 acres, worth per annum 20,066*l.* 8*s.* 3*d.*, value total 260,863*l.* 7*s.* 3*d.* The particulars thereof, what estate belongs to such person, in what county and barony it lies, what is the yearly and total value, appear in the book, No. 2.

25. And here we think it proper to take notice to your Lordships, that as well by the general report of the country, as by several observations of our own, it appears probable to us that many of the persons aforesaid have obtained his Majesty's favour by gratifications to such persons as have abused his Majesty's royal compassion. But when we touched on this subject, we found difficulties too great to be overcome; most of these matters being transacted in private and with persons out of this Kingdom. However, we shall lay before your Lordships some instances where it appears to us that money has been given to restore persons forfeiting to their estates.

26. The Rt. Honble. the Lord Bellew released a statute staple of 1,000*l.* principal money, and 700*l.* or 800*l.* interest to the Lord Raby, which was due from Sir William Wentworth, father to the present Lord Raby, to the Lord Duleek, father to the present Lord Bellew, in consideration that he would use his interest with his Majesty to procure his pardon; which he did accordingly, and his pardon soon after past. He also released to the Lord Romney all the profits of his estate which his Lordship had enjoyed near three years, amounting to about as many thousand pounds, in consideration his Lordship would not give him any molestation in passing his pardon.

27. John Kerdiff, of Kerdiffstown, in the county of Dublin, Gentleman, gave to Mrs. Margaret Uniack 200*l.*, or thereabouts, to make use of her interest with the Lord Romney to obtain his Majesty's letter to have his outlawry reversed, which was accordingly done, though the particular case of this man appeared to us deserved compassion.

28. Sir John Morris paid to Mr. Richard Uniack 500*l.* whereof 300*l.* was paid to Mrs. Margaret Uniack for her interest in the Lord Romney to procure his pardon, which was accordingly done.

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29. Harvey Morris, Esq., gave 100*l.* to Mrs. Margaret Uniack to obtain his Majesty's pardon, which was accordingly done.

30. John Hussey, of Leslip, Esq., upon his being informed by Mr. Bray and Mr. Roscoe, agents to the Lord Athlone, that he could not get his outlawry reversed without giving a general release of all demands to the Lord Athlone, which he did, whereby a mortgage of 300*l.* which he had on the Lord Limerick's estate then in grant to the Lord Athlone, was released, who appears not to us to have known of the said mortgage, or to have any benefit thereby.

31. Edmund Roch, Gentleman, gave to Mr. Richard Darling, agent to the Lord Romney, 500*l.*, for his interest in procuring his pardon, which by the means of the Lord Romney was obtained, as we believe, but the said Roch was outlawed on the Statute of Foreign Treasons, though never out of the Kingdom.

32. John Bourke, Esq., commonly called Lord Bophin, agreed to pay 7,500*l.* to Mr. Andrew Card, for the use of the Lord Albemarle, in consideration he would procure his Majesty's letter to have him restored to his estate and blood; 3,000*l.* of the said sum was to be paid when he was restored to his estate, and the residue some time after. In pursuance of the said agreement, a letter was sent to the Lords Justices to be communicated to the Commissioners of the Court of Claims in favour of the Lord Bophin, in order to have him adjudged within the Articles of Galway; but nothing being done thereon, it was agreed that a Bill should be transmitted to England in order to pass into a law in Ireland to restore the Lord Bophin to his estate and blood. The consideration suggested in the Bill was to educate his children in the Protestant religion, and to set his estate to Protestants. It was further provided in the said Bill, that 9,000*l.* should be raised upon the said estate, for payment of debts, and a certain part of the said estate appropriated for the maintenance and provision for the children; but in reality 7,500*l.* of the said money was to be paid to the Earl of Albemarle, and the remainder, as we believe, to the other persons concerned in negotiating the said agreement. This Bill was brought into the House of Commons of Ireland, but the agreement taking wind, and the House resenting that their authority should be made use of to support such a clandestine bargain, and finding several allegation in the Bill false, they rejected it. Afterwards a new agreement was made, viz.: that there should be a grant to the Lord Ross in trust, that the money to be advanced for procuring the said grant should be first raised out of the estate, and next that the profits should be applied to the payment of debts, and afterwards to the use of the family of Clanrickard. In pursuance of the agreements aforesaid, a letter was procured from his Majesty, and 3,000*l.* paid to Thomas Broderick, Esq., for the benefit of the Lord Albemarle.

33. Having now laid before your Lordships an account of all the estates belonging to persons outlawed since the 13th day of February 1688, and also what estates have been since restored by Articles, and what by his Majesty's favour, we will proceed to acquaint your Lordships what grants have been made and also what custodiams are yet in being of any of the said estates, and to whom.

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34. There have passed, since the battle of the Boyne, under the Great Seal of Ireland, 76 grants and custodiams now in being, a book whereof, with the dates of the Letters Patent and considerations, we have delivered in with the Report, No. 6. Some of the most considerable grants we here particularly lay before your Lordships [with] the number of acres and considerations.

35. To the Rt. Honble. the Lord Romney, 3 grants now in being, containing 49,517 acres; the considerations, services done.

36. To the Rt. Honble. the Earl of Albemarle, 2 grants now in being, containing 108,633 acres in possession and reversion. Consideration, services done.

37. To William Bentinck, Esq., commonly called Lord Woodstock, 135,820 acres of land. No particular consideration mentioned in the grant.

38. To the Rt. Honble. the Earl of Athlone, 2 grants, containing 26,480 acres. Consideration, services done in the reduction of Ireland.

39. To the Rt. Honble. the Earl of Galway, 1 grant, containing 36,148 acres. Consideration, many good and faithful services by him performed.

40. To the Rt. Honble. the Earl of Rochfort, 2 grants, containing 39,871 acres. Consideration, services done.

41. To the Marquis of Puissar, 2 grants containing 30,512 acres. Consideration, services done.

42. To the Rt. Honble. the Lord Coningsby, 5,966 acres with several chiefryes [chief rents], tithes and many houses in the city of Dublin with 1,000*l.* mortgage. Consideration, services done.

43. To the Rt. Honble. the Lord Mountjoy, 11,070 acres for 21 years, in consideration of his services in the war of Ireland, the losses he suffered in his estate, the imprisonment of his father in the Bastille, and his being killed in the battle of Steynkirk.

44. To the Honble. Thomas Keightly, Esq., 2 grants, containing 12,381 acres for 99 years, as a portion for his daughter, Mrs. Katherine Keightly, who was dependent on her late Majesty Queen Mary, of ever blessed memory, and in consideration of a pension of 400*l.* per annum and his losses by the war.

45. To Col. Gustavus Hamilton, 5,382 acres, whereof a considerable number are no part of the forfeitures. Consideration, his great and early service in the war of Ireland, his wading through the Shannon and storming the town of Athlone at the head of the English grenadiers.

46. To Doctor John Leslie, 16,077 acres. Consideration, his early service in the war of Ireland, his great expense in raising and arming considerable numbers of men and fighting at the head of them in several engagements.

47. To Thomas Pendergast, Esq., now Sir Thomas Pendergast, Bart., 2 grants, containing 7,082 acres, upon the most valuable considerations of his great services in discovering a most barbarous and bloody conspiracy to assassinate the King's most excellent Majesty, to destroy the liberties of England, and in consequence, the Protestant religion throughout Europe.

48. To Mr. John Baker 1,647 acres, in consideration of the great and memorable services of his father Col. Henry Baker, performed in the defence of the city of Londonderry.

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49. To James Corry, Esq., 2 grants, one of a mortgage of 2,000*l.* in fee of several lands in the county of Wicklow, due to Sir Edwd. Scott from the Earl of Tyrone, the other 1,725 acres. The considerations mentioned in the Letters Patent are, his house being burnt and his having furnished the garrison of Enniskillen with provisions and materials to the value of 3,000*l.* at his own expense. But enquiring into the merits of this gentleman, it appears to us that he gave no assistance to the garrison of Enniskillen. That in the town of Enniskillen he publicly declared, he hoped to see all those hanged that took up arms for the Prince of Orange, and his house was burnt by the said garrison.

50. The rest of the grants with the former appear in the said book, No. 6, and are comprehended in the general values.

51. It is to be observed that all acres mentioned in this Report are meant plantation acres, which bear a proportion to English acres as 264 is to 441.

52. It is further to be observed that the estates above mentioned do not yield so much to the grantees as they are here valued at, for as most of them have abused his Majesty in the real value of their estates, so their agents have imposed on them, and have either sold or set the greatest part of these lands at a great undervalue.

53. We are further to take notice that most of the lands in the several grants aforesaid were granted under the Exchequer seal in custodiam for small numbers of years, or during pleasure, either to the present grantees or other persons, by which means very little profit has accrued to his Majesty; the greatest part of the custodiams are now expired, but those few yet in being appear in a book at the lower end of the grants, No. 6.

54. In the next place, we shall humbly acquaint your Lordships with the several incumbrances that affect the estate forfeited and not restored, and here we shall take notice of such only as are found by inquisition, or have been allowed by his Majesty's Court of Exchequer, most of which last have been in pursuance of her late Majesty's letter dated ———— to the Lords Justices of Ireland, which required that all Protestants should try the validity of their incumbrances in the most speedy manner, without subjecting them to dilatory or chargeable methods.

55. All statutes, judgments, mortgages or other debts, which appear to us as aforesaid to affect the estate not restored, amount to 161,936*l.* 15*s.* 6*d.*, the particulars whereof appear in a book delivered in with this Report, No. 7. The reality of the said incumbrances, which of them have been made upon a valuable consideration, and what have been since discharged by receipt of rents, or otherwise, we had neither time or opportunity duly to examine; but we humbly conceive there are many very great deductions to be made upon the following considerations.

56. In all judgments and statutes we have set down the penal sums, not being able to know what interest is due upon the several particulars.

57. It appears probable to us that oftentimes the judgment mortgage is for the same debt.

58. It is probable that many of the said judgments are only for performance of covenants and the defeasances remain in the hands of the covenanters.

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59. In many cases Protestants and Papists have been equally bound, and the whole debt is demanded on the lands of the forfeiting person, though there may be other security.

60. It does appear that many deeds and copies of judgments were produced to the juries on several enquiries, and found without any proof of the execution of such deeds, or the considerations therein expressed.

61. It is probable that in many cases the statutes and judgments have been satisfied, and do not appear discharged upon record.

62. Many incumbrances have been bought up by the grantees and agents and under-purchasers, and oftentimes at small values, and are kept on foot to cover the estates, though probably they might have overpaid themselves by the perception of profits.

63. Many persons have been put in possession of the lands incumbered by virtue of her Majesty's letter, and have received all or great part of their debts.

64. It is probable that several of the incumbrances have been taken in trust for forfeiting persons, and many others were entered into covenously.

65. In conclusion, it appears to us that there are all the contrivances possible made use of by some of the grantees, or their agents, to make the incumbrances appear great, though we believe, if they were duly enquired into, they would not be found so considerable, but that a great part of them might have been paid off by perception of profits before this time. However, we humbly conceive that at present they will be much more than discharged by the personal and other forfeitures not before valued, which we now humbly lay before your Lordships.

66. As we informed your Lordships before, soon after the battle of the Boyne, Commissioners under the Great Seal of Ireland were appointed, who had power to seize and dispose of the forfeited goods and chattels to his Majesty's use. These appointed Sub-Commissioners in the several counties then in his Majesty's possession, who made returns of great quantities of goods and chattels which they valued at 135,552*l.*; but at so moderate computations that every horse was valued at 20*s.*, every cow or ox at 15*s.*, sheep at 2*s.* 6*d.* a piece, and other things proportionably. So that it appears very probable to us that, if the said goods had been disposed of to the best advantage, they might have yielded between two or three hundred thousand pounds. But before that could be done upon the representation of the then Commissioners of the Revenue, the power of disposing by the said Commissioners of Forfeitures was superseded by a letter from his Majesty, within nine days after the granting their Commission, and placed in the Commissioners of the Revenue. By this means so much time was lost before their books and goods, seized by the Sub-Commissioners, could be transferred to the officers of the Revenue, that the greatest part of them was either embezzled by the Sub-Commissioners of Forfeitures, or the collectors of the Revenue, or else plundered by the army at their return into winter quarters, so that it does not appear to us that there ever was accounted for to his Majesty above the value of 44,000*l.* Besides these, there were great quantities of other goods appeared in the inquisitions,

which we do not find ever came to his Majesty's use, and many more were seized by private men. Indeed the plunder at that time was so general that some men in considerable employments were not free from it, which seems to us a great reason why this matter has not been more narrowly searched into; particularly the Lord Coningsby seized a great many black cattle to the number of 300, or thereabouts, besides horses that were left in the park after the battle of the Boyne, and which we do not find were ever accounted for to his Majesty. He also seized all the plate and goods in the house of Sir Michael Creagh, lord mayor of the city of Dublin for the year 1689, which are generally thought to amount to a great value; but this last is said to be by grant from his Majesty. There were several rich goods and other household stuff delivered by the Commissioners of the Revenue to the then Lords Justices—the Lord Sydney and Lord Coningsby—which we do not find were ever returned, accounted for to his Majesty, or left in the castle at their departure from the Government.

67. Further, there were several other quantities delivered by order of the Commissioners to Sir Charles Porter, Major-General Kirk and others, which have not been returned, and a great deal more by the General Officers of the army, which it is said his Majesty hath since discharged.

68. If we may believe the general reports of the country, very many persons have made their advantages of these forfeitures, but the time was so distant, the proofs so difficult, and withal the hopes of getting any part of them back again so remote, that we rather chose to prosecute more material inquiries, and therefore can give your Lordships no further information concerning them.

69. But since the values of the before-mentioned goods and chattels are so uncertain, we make no estimate thereof, but will proceed to take notice of some debts by judgment and statute, and a few mortgages due to forfeiting persons not restored, which amount to 120,013*l.* 13*s.* 10*d.*, as appears in a book delivered in with this Report, No. 8.

70. And here it may be observed that these debts are liable to all the objections made against the incumbrances before mentioned, only with this difference, that as the incumbrances may be presumed to be in a great measure satisfied by the perception of profits, the creditors being many of them in possession pursuant to her late Majesty's letter in favour of Protestant creditors, or at least that the full interest thereof has been paid out of the rents, so in the other the full penalty is due, no interest appearing to be paid since the forfeiture, and therefore [we] humbly conceive may be taken as so much in discount against incumbrances.

71. And here we crave leave further to observe that almost all the said judgments were found in the Court of Exchequer only, and from a mistake of our orders no return has been made from either of the other Courts of Law, by which means, we believe, many more debts appearing on record to be due to forfeiting persons not restored may be omitted.

72. There are yet to be computed 297 houses in the city of Dublin, 36 houses in the city of Cork, with 226 houses situate in the several cities and towns of this Kingdom, together with 61 mills, 28 fairs and markets, 72 rectories and tithes, chief

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rents, amounting to 238*l.* per annum; and 6 ferries and — fisheries lying within the several counties and baronies of this Kingdom, the forfeitures of persons not restored, which we value in gross at 50,000*l.*, and place here among the personal forfeitures towards the discharge of incumbrances. And if we add the debts due to the forfeiting persons, as we humbly conceive, we shall fully discharge the incumbrances aforesaid; and if there were room to apprehend any deficiency, yet the chattels real of persons comprehended within the Articles of Limerick, which by the construction of the said Articles they were not to be restored to, would fully, as we apprehend, make up any defect that might remain after the allowances aforesaid.

73. It appeared to us by our observations in the country, that a great part of the lands called unprofitable in the surveys, except those in Kerry, which we account as nothing, are now profitable acres, and many of them as good as any lands in the Kingdom, and, though they are not comprehended within our valuations, yet are in themselves considerable.

74. We have computed the forfeited estates according to the present values and the current price of coin here, were they now to be set without any regard to beneficial leases made before the forfeitures, and because we found it impossible either to come to a reasonable knowledge of the number of them, and which are real or fraudulently set up, we think it most proper to make a general allowance for the same by way of discount on other particulars. And if all the unprofitable acres be cast in, it may near answer the difference of value the now beneficial leases do make from the present intrinsic value exclusive of them.

75. And lest this allowance should be thought insufficient, we humbly conceive the woods of this Kingdom now standing on the forfeited estates not restored, may be worth 60,000*l.*, which we believe, if thrown in, will answer the difference, provided some speedy care be taken to prevent further waste.

76. But lest our allowances on the particulars aforesaid should not be esteemed sufficient, we throw in all denominations of lands to which we could annex no number of acres, not receiving any light either by the surveys, Commissioners' books, inquisitions, or our own enquiries in the country, and because they [there] are quantities of land that vastly differ from one another both in value and number of acres, we can set no estimate upon them, though it seems very probable to us that they amount to at least 70,000 or 80,000 acres, which we humbly conceive will much more than answer all the deficiencies before mentioned.

77. And here we shall take notice of the general waste committed on the forfeited woods of the Kingdom, particularly on the woods of Sir Valentine Browne, in the county of Kerry, where the value of 20,000*l.* sterling has been cut down and destroyed; and the waste made on the woods of the late Earl of Clancarty's estate, now in grant to the Lord Woodstock, is computed to 27,000*l.* And indeed, so hasty have several of the grantees or their agents been in the disposition of the forfeited woods, that vast numbers of trees have been cut and sold for not above sixpence apiece. And the like waste is still continuing in many parts of this Kingdom, and particularly at this instant, the Rt. Honble. Sir John Hely, Lord Chief Justice of the Court of Common Pleas here, and Peter Goodwyn, Esq., joint

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purchasers of the lands of Feltrim, within 6 miles of Dublin, of the Rt. Honble. the Lord Coningsby, are now cutting down the very ornamental rows and groves. About the mansion house great waste has been made and yet is committing on the woods of Othogness, in the county of Galway, purchased by Toby Butler, Esq., for about 3,500*l.*, which is valued to about 12,000*l.*; and when we appointed some persons to view and value the said woods, the said Toby Butler did prosecute several of them, by indictment, for so doing.

78. Besides all the forfeitures before mentioned, there are great numbers of persons guilty of the late rebellion, and within no Articles and never prosecuted; and very many have appeared on the exigent which to this day are continued under bail. And some of them were this last summer assizes tried and acquitted; and indeed it does appear to us that the freeholders of this Kingdom through length of time, and by contracting new friendship with the Irish, or by interpurchasing with one another, but chiefly through a general dislike of the dispositions of the forfeitures, are scarce willing to find any persons guilty of the late rebellion even upon full evidence.

79. By reason of this delay of persecution, many good estates by the death of parties have been lost to his Majesty.

80. And notwithstanding all this, it seems probable, by the multitude of discoveries offered to us, that if right methods were taken and proper encouragements given, a great sum of money might be yet raised out of the forfeitures that lie concealed.

81 There has been so great a neglect in the prosecution of the King's title, that no inquisitions went into Connaught till the year 1695, which gave the forfeiting persons time and leisure to set up what incumbrances they pleased, and when they were issued the findings were almost as the Counsel of the forfeiting persons pleased And indeed, by the great disproportion of Protestants to Papists, which is computed at not one to fifty, and so very few Protestant freeholders within most counties of that province, and so little justice to be had there, that the province itself seems scarcely reduced to his Majesty's obedience. A late instance might be given at the last assizes for the county of Galway, where near forty persons were brought on their trials for the late rebellion, and the majority of the jury that had them in charge were officers in the late King James's army, and adjudged within Articles, and after that it were needless to say they were all acquitted, though by accident it was discovered that Mr. Kirevan, one of the persons then on trial, was in actual rebellion, and an officer under the foreman of the jury, who was sworn to that fact, which was a surprising difficulty to the jury, who, not well knowing how to acquit him upon so direct a proof, resolved that the dice should determine, and so the jury among themselves threw the dice who should absent himself; and so the lot falling upon one Mr. Pendergast, he did absent himself accordingly, and so no verdict was given on the said Mr. Kirevan, who was thereupon bound over to appear the next assizes at Galway to take his trial.

82. The House of Clanrickard has a vast territory within that province, with few or no Protestant tenants thereon, the greatest part whereof by the attainder of the Lord Bophin, who is only tenant for life, is now vested in his Majesty. And we humbly conceive, if proper methods were now taken for letting the said

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estate to Protestant tenants by leases for lives renewable for ever, it would greatly increase the freeholders, and thereby secure the property and advance the Protestant interest of that province.

83. And in the next place, we do humbly acquaint your Lordships that several of the grantees have raised great sums of money by sale of their lands and estates, in the whole amounting to 68,155*l.* 3*s.* 1*d.*, as does hereafter more particularly appear, viz.: The Right Honble. the Earl of Athlone has sold to several persons, so much of his grants as amount to the sum of 17,684*l.* 12*s.*; and here we think we ought to take notice that the Earl of Athlone's grants are confirmed by an Act of the Parliament of Ireland. The Right Honble. the Earl of Romney has sold so much of his grants as amounts to 30,147*l.* 11*s.* 1*d.*, of which 5,323*l.* 14*s.* 7*d.* remains unpaid in the purchaser's hands. The Rt. Honble. the Earl of Albemarle has received 13,000*l.* sterling in England by sale of part of his grants. The Rt. Honble. the Lord Coningsby has sold to the value of 2,200*l.*, and Thos. Keightly, Esq., has sold and received to the value of 5,123*l.* 10*s.*, amounting in the whole to 68,155*l.* 3*s.* 1*d.*

84. We are also to acquaint your Lordships that there have been several proclamations and other public assurances given that a fourth part should be granted to such as should discover any concealed forfeitures. To some of the Discoverers grants have been made, and they appear in the Book of Grants, No. 6; and others affirm they have not yet received any satisfaction; the whole, we believe, are under the value of 2,000*l.* per annum.

85. And here we may take notice that the forfeitures in general, notwithstanding they appear to be so considerable, have been rather a charge than a profit to his Majesty, which might seem very extraordinary, if we did not acquaint your Lordships that many obscure men that had little or nothing since the reduction of Ireland, are now reputed masters of considerable estates, and some of them very great ones. Nor does there appear any visible cause of their acquiring such sudden riches, but by fishing in these forfeitures. Indeed, the whole management has been so intricate, as if it were designed to make the knowledge of it a mystery, which has proved sufficiently advantageous to these men, though very much to the detriment of his Majesty, who, by this means, has been deceived in the value of his grants, and, in many cases, has given much more than he intended.

86. There is nothing seems to us to have contributed more to it than the letting the forfeited lands by cant in the city of Dublin, and not in the several counties in the Kingdom, for by that means very few persons would come to town at a great charge and neglect of their affairs, when they were sure to be outbid by the agents to great men, who aimed only to get into possession, and had interest enough afterwards to have all or most of their rents remitted upon this consideration. Mr. Attorney-General and William Connelly, Esq., canted lands in the county of Kilkenny, worth about 200*l.* per annum, to more than 20,000*l.* per annum, so that private persons, who had no interest, found it in vain to contend: besides, they were overawed by the authority often of those that bid against them, which weighs much in this country.

87. By these methods, when others were driven off the stage, they took the lands at their own rates, oftentimes, as we conceive, agreeing not to bid against one another, particularly the Honble. Thomas Broderick, Esq., and the said Mr. Connelly, who took vast quantities of land and in a great measure governed the cants, few persons daring to bid for them, acted in partnership in all they took in the year 1695, and ever since, and let it afterwards to under-tenants at greater rents, which is the more observable in Mr. Broderick, who was then a Privy Councillor and appointed by the Lord Capel to inspect the cants, having been informed they were managed much to his Majesty's disadvantage.

88. Nor could it be expected they should be better regulated when many of the immediate officers of the Revenue took parcels of these lands, and some were taken in trust for the very Commissioners themselves, particularly the lands of Kerdiffstown were let to Henry Fernley in trust for Mr. Culliford at 31*l.* 16*s.* per annum, though actually canted to 84*l.* Several other forfeited lands were taken by Mr. Culliford and great quantities of goods seized by him to his Majesty's use, which he afterwards converted to his own.

89. Besides the great abuses in the management of their cants, we humbly represent to your Lordships an instance of a considerable estate that was let without any cant at all, by direction of the Lords Justices, for at least 1,000*l.* per annum less than it was then worth, and for a term of 61 years, though by a letter from his Majesty dated the 8th day of March, 1698, they were commanded to let it for a term not exceeding 21 years, and at a time when there was a term of one year and a half unexpired in another tenant. This is a lease of the estates of Sir Valentine Browne and Nicholas Browne, commonly called Lord Viscount Kenmare, within the counties of Kerry and Limerick, made to John Blannerhasset and George Rogers, Esqs., then members of Parliament of this Kingdom.

90. Having already laid before your Lordships the most material parts of our enquiry, we now crave leave to make a short abstract of our valuations, before we conclude our Report. The whole forfeited estates, since the 13th day of February, 1688, we value at 2,685,130*l.* 5*s.* 9*d.* The estates restored by Articles we valued at 724,923*l.* 4*s.* 6*d.* The estates restored by favour we value at 260,863*l.* 7*s.* 3*d.* The debts affecting the estates forfeited and found by inquisition, or allowed by order of the Exchequer, were computed at 161,936*l.* 15*s.* 6*d.*

Against which we balance the debts due to forfeiting person not restored amounting to 120,013*l.* 13*s.* 10*d.*, as also all the houses, tithes, mills, fairs, markets, chief-rents and ferries, worth about 50,000*l.* Against the beneficial leases we balance all the acres called unprofitable, and also the woods yet standing upon the forfeited estates, which we compute may be worth about 60,000*l.*, and the chattels real of persons adjudged within Articles hitherto never brought to any account. But lest our allowances should not be thought sufficient, we throw in all denominations of lands that have no acres annexed to them, which we cannot believe will amount to less than 70,000 or 80,000 acres, and consequently, if valued in proportion with other lands, will come to at least 140,000*l.* The estates yet undiscovered seem to us very considerable, but [we] can make no probable value of them. The sums received by the grantees from the sale of their estates,

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amount to 68,155*l.* 3*s.* 1*d.* We have taken no notice of any debts due to persons restored, or of any incumbrances affecting their estates; and after the several allowances before mentioned there yet remains 1,699,243*l.* 14*s.*, which we humbly lay before your Lordships as the gross value of all the estates forfeited since the 13th day of February 1688 and not restored. We shall now conclude our Report by laying before your Lordships another grant of considerable value which we are apprehensive does not fall within the letter of our enquiry; but since the benefit of some forfeited leases or holdings are therein granted, we chose rather to lay the whole grant before your Lordships than be thought deficient in executing any part of our duty, or what might be expected from us. A grant, under the Great Seal of Ireland, dated the 30th day of May 1695, passed to Mrs. Elizabeth Villiers,* now Countess of Orkney, of all the private estate of the late King James (except some small part in grant to Lord Athlone) containing 95,649 acres, worth per annum 25,995*l.* 13*s.*, value total 337,943*l.* 9*s.*, the particulars whereof, viz.: the number of acres in each county and barony, the value per annum, the value total appear in a list delivered in with this Report, No. 9. There is payable out of this estate 2,000*l.* per annum to the Lady Susan Bellairs† for her life, and also 1,000*l.* per annum to Mrs. Godfrey‡ for her life, and almost all the old leases determine in May 1701, and then this estate will answer the value above mentioned. All which is most humbly submitted to your Lordships' consideration. *Signed* and *sealed* Fra. Annesley, John Trenchard, James Hamilton, Hen. Langford.

1472. Dec. 15. Downing *v.* Cage.—Petition and Appeal of Sir George Downing, Bart. Sir Anthony Cage, was seised of copyhold lands holden of the manor of Mitchell Hall, in Swaffham, Cambridgeshire. He died in 1667, and Thomas Cage, his younger son, got into possession. John Cage, the eldest son, thereupon brought his ejectment and recovered the same, but the steward of the manor refused to admit him, and Thomas Cage was admitted. On Sekeford Cage, John's eldest son, coming of age, he recovered judgment on an ejectment, and had a writ of *Habere fac. possessionem* executed, but Edward Marsh, lord of the manor, refused to admit him. Sekeford Cage then exhibited his Bill in Chancery, praying that Appellant who had since entered into possession of the premises in question, might account for the profits and that Edward Marsh might be compelled to admit him. Appellant in his Answer stated that Sir Anthony Cage was seised of the manor of Mompleire and other lands in Swaffham, including the copyhold lands

* Sister of Edward, 1st Earl of Jersey. She married Lord George Hamilton, 5th son of William, Duke of Hamilton. He was created Earl of Orkney soon after the marriage. She is supposed to have been the only English woman who was the mistress of William III.

† Probably the lady referred to is Susan, Lady Belasyse. She was the daughter of Sir William Armine, of Osgodby, in Lincolnshire, and at the age of 13 married Sir Henry Belasyse. After the death of her husband in a duel in 1667, she was on very intimate terms with the Duke of York, afterwards James II., who is supposed to have been anxious to marry her. In 1674 she was created Baroness Belasyse for life. She was one of the Protestant ladies, present at the accouchement of Mary of Modena, who signed the deposition as to the birth of the Prince of Wales. *See* Complete Peerage edited by G. E. C.

‡ Arabella Churchill was at one time the mistress of James II. She was a sister of the Duke of Marlborough and the mother of the Duke of Berwick. She afterwards married Colonel Charles Godfrey.

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in question, and that on the marriage of Thomas Cage with Sicillia Soame, he had settled all his Swaffham estate upon Thomas and his heirs. Thomas had enjoyed the lands until 1677, when he sold them to Appellant's father. In July 1686 all Appellant's title deeds were burned. This encouraged Sekeford Cage to bring this suit. Appellant, however, has lately discovered that his father, Sir George, bought from Thomas Cage the manors of Mompleire and Birds and all his other lands in Swaffham, which on Appellant's marriage with Lady Katherine Cicell, in consideration of her marriage portion of 10,000*l*., were settled upon him and the issue male of the marriage. As his father was purchaser from Thomas Cage without notice, Appellant and his issue male, by reason of the marriage articles, are also purchasers of the Swaffham copyhold lands. The Cause was heard by the Master of the Rolls, and a Decree, purporting to be by consent, ordered Appellant to surrender the lands to Sekeford Cage, and Marsh, the lord of the manor, to admit the latter on his paying his fine and fees. Appellant never consented. On re-hearings before the Master of the Rolls and before the Lord Chancellor, the said Decree was confirmed. Appeals against it on the ground that Cage ought to have had no relief against a purchaser with about 40 years' possession, or at most should have been admitted to try his title at law, and also that no consent of Petitioner's, even if proved, which it was not, could convey away his estate of inheritance. Prays that Sekeford Cage may be summoned to show cause why the Decrees should not be reversed. *Signed* George Downing. *Countersigned* Wm. Dobyns, Jir. Willyams, Junr. [Read this day. L. J., XVI. 485. At the Hearing on 27 Jan. *Mr. Serjt. Wright* and *Sir Thomas Powys* were heard for Appellant, and *Sir Barth. Shore* and *Mr. Pooley* for Respondent. The Appeal was dismissed. MS. Min. L. J., XVI. 502.]

Annexed:—

(*a*) 8 Jan. Answer of Sekeford Cage, Esq. His father John Cage was refused admittance to the premises by Drake, then steward of the manor, upon pretence that several years quit-rent was in arrear. Adlord Cage, John Cage's attorney, together with Drake and the lord of the manor, searched the Court Rolls, but failed to ascertain the quit-rent; and after John's death, when Respondent was only five years old, Drake, by combination with Thomas Cage, caused the lands to be seised into the hands of the lord of the manor, who granted them to one Smith, who surrendered them to Thomas Cage. Respondent was thus tricked out of the premises. The Decrees and Orders were by consent and are just. Prays that the Appeal may be dismissed with costs. *Signed* Seke. Cage. *Countersigned* D. Deane. *Endorsed* as brought in this day.

1473. Dec. 18. Writ of Summons (E. Abingdon).—Writ of Summons to Montagu, E. Abingdon. *Dated* 16 Nov. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 485.]

1474. Dec. 18. Barlow's Estate Act.—Amended Draft of an Act for confirming the sale of the manor of Stansall and certain tenements in the county of York, made by Thomas Barlow, Gent., and for settling other lands of greater value to the same uses, and for vesting other lands and hereditaments in trustees to be sold for purchasing other lands to be settled to the same uses. The amendments made in Select Committee were merely of a drafting character. Com. Book, 12 Jan. There were no amendments in the Commons. [Read 1ª this day.

1699. — No. 1474. Royal Assent 11 April 1700. L. J., XVI. 486, 579. 12 Will. III. c. 47 in Long Cal.]

Annexed:—

(*a*) 15 Dec. Petition of Thomas Barlow, Gent., for leave to bring in the Bill. His uncle, Francis Barlow, was seised of lands in Yorkshire, and entitled to a fee simple, immediately expectant upon the death of the Queen Dowager, of a fee farm rent of 106*l.* per annum. He entailed his property on Petitioner and his sons. Petitioner has lately purchased the manor and lands of Middlethorpe, near York, and laid out over 2,000*l.* in building a house there as a family seat. The entailed lands lie dispersed and at a distance from Middlethorpe, and he wishes to sell them and buy lands which lie more convenient, to be settled to the same uses. All persons concerned in remainder consent. [Read this day, and leave given. L. J., XVI. 484.]

(*b*) 12 Jan. Consent of the Vicar, Churchwardens, and Overseers of Sheffield, to the Bill. Robert Barlow's uncle, Francis Barlow, bequeathed to the poor decayed tradesmen of Sheffield 8*l.* a year for six years and 6*l.* a year for ever after, charged on the houses he bought of one Joshua Shemield, to be paid to the Overseers of the Poor every Christmas and distributed by them. Robert wishes to transfer the charge from the said houses to the manor of Middlethorpe, which will be a much better security. *Dated* 19 Dec. *Signed* and *sealed* by Nathaniel Drake, Vicar of Sheffield, and 5 others, in the presence of Chris. Broomhead, Nevill Simmons, and Joseph Twigg (by his mark). [Read this day before the Select Committee, and proved by Francis Twigg. Com. Book.]

1475. Dec. 19. Clobery's Estate Act.—Amended Draft of an Act for the more speedy payment of the debts of John Clobery, Esq., deceased, and for the raising portions and maintenance for his children. The amendments in Select Committee were to except from the trust the property mortgaged to Edward Colston and John Pollexfen, and to insert a clause recovering part of that property in the trustees on payment of 2,900*l.* Com. Book 23 and 27 Jan. No amendment in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 487, 578. 11 & 12 Will. III. c. 30 in Long Cal.]

Annexed:—

(*a*) 18 Dec. Petition of Sir William Courtenay, Sir Thomas Leere, Bart., and Hugh Fortescue, Esq., trustees of John Clobery, Esq., deceased. Clobery devised part of his estate for payment of his debts and raising maintenance and portions for his eight daughters; but as the estate devised will fall short of the sum required by at least 10,000*l.*, Petitioners, on behalf of the infant heir and his sisters, pray for leave to bring in a Bill to enable them to make up the deficiency by selling some other parts of the estate. *Signed* Wm. Courtenay, Tho. Leere, Hugh Fortescue. L. J., XVI. 486.

(*b*) 17 Jan. Petition of John Pollexfen and Edward Colston. The Bill contains several parcels of land in the parishes of Wembury, Dunterton, and Lynkinghorne, in Devon and Cornwall, which were invested in Petitioners for a valuable consideration before Clobery's death, and are now in their possession. Pray to be heard in order that the lands in question may not be invested in any other person. *Signed* by John

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Pollexfen, on behalf of himself and Edward Colston. *Endorsed* as read this day, and Petitioners ordered to be heard before the Select Committee. L. J., XVI. 496. On 23 Jan. Mr. Pollexfen was called in before the Select Committee, and said they were in a fair way of accomodating the matter, so he would not trouble the Committee further. Com. Book. *See also* Lords' amendments described above.

(*c*) 27 Jan. Affidavit of James Codner, servant to Sir William Courtenay, that the latter had been almost wholly confined to the house for several years by the palsy in his right side, and for several months wholly confined to his chamber; and that he saw the certificate (Annex (*d*)) executed by Sir William. *Signed* James Codner. *Sworn* at Ford, Devon, on 17 Jan. before Roger Cannter, Extra Master in Chancery. [Produced before the Select Committee this day. Com. Book.]

(*d*) 5 Feb. Certificate of Sir William Courtenay, of Powderham Castle, Devon, Bart., grandfather and next friend by the mother's side to John Clobery's children, that the Bill is chiefly prosecuted and desired by him for their benefit, and for payment of Clobery's debts, which amounted to 23,000*l.* or 24,000*l.*, the estate devised to meet them not being worth to be sold above 10,000*l.* *Dated* 17 Jan. *Signed* Wm. Courtenay and *sealed* in the presence of James Codner and Richard Clemens. [Produced and read before the Select Committee this day, and proved by Hugh Fortescue, Esq., Mr. John Pollexfen and Mr. Wm. Symonds, sworn at the Bar. The Certificate had been produced on 27 Jan. with an affidavit annexed of Sir William's signing and sealing (Annex (*c*)); but as the Order of the House directed that oath should be made *viva voce* thereof, and also of Sir William's inability to attend, the Committee ordered that the House's pleasure be known herein, or that Mr. Fortescue and Mr. Symonds, be sworn at the Bar to prove his signature. Com Book.]

(*e*) 5 Feb. Certificate of Sir Thomas Leere, of Lyndridge, Devon, Bart., named as one of the trustees in the Bill, that he has accepted the trust, and that the Bill is necessary to save the family from ruin. *Dated* 17 Jan. *Signed* by Sir Thomas Leere and *sealed* in the presence of William Ash and Richard Clemens. [Produced and read this day before the Select Committee, and proved by Mr. Fortescue and Mr. Symonds. Com. Book.]

(*e*[1]) Affidavit of William Ash, servant to Sir Thomas Leere, that the latter has been confined to his chamber for more than a week by a severe fit of the gout, and that he saw the above certificate executed by Sir Thomas. *Signed* William Ash. *Sworn* at Lyndridge, Devon, on 17 Jan. before Roger Cannter, Extra Master in Chancery. [Appended to preceding.]

(*f*) 5 Feb. Amendments offered by Mr. Pollexfen this day. The effect of these amendments is given above, in the principal paper. Com. Book.

(*g*) 5 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1476. Dec. 22. Writ of Summons (E. Coventry).—Writ of Summons to Thomas, E. Coventry. *Dated* 16 Nov. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 488.]

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1477. Dec. 22. Gardner's Estate Act.—Draft of an Act for vesting the real estate of Joseph Gardner and Sarah, his wife, late the estate of William Ridges, Esq., deceased, in trustees, to be sold for payment of the debts and legacy therein mentioned, and for applying the residue of the money upon the trusts therein specified. The only amendment was a purely clerical one, made in the Select Committee. Com. Book 26 and 31 Jan. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 488, 578. 11 & 12 Will. III. c. 32 in Long Cal.]

Annexed:—

(*a*) 18 Dec. Petition of Joseph Gardner, of London, merchant, and Sarah, his wife. William Ridges, Sarah Gardner's father, bequeathed to her 2,000*l.* payable at the age of 24 or day of marriage and 40*l.* a year in the meantime; to his sons John, Joseph, James and Charles he left his estate in St. John Street and St. John's Lane; his messuage in Smithfield to his son William for life, his house in Lincoln's Inn Fields to his son John in fee. All the above bequests were subject to the payment of debts. The Testator had mortgaged the estate in St. John Street and St. John's Lane to Sir Thomas Davis for 3,000*l.* John, the executor, transferred this mortgage to one Abraham Dolins, to whom he also mortgaged his house in Lincoln's Inn Fields for 500*l.*, without having paid his father's debts. Sarah Gardner, on attaining the age of 24 before her marriage, obtained a Decree in Chancery for the possession of the mortgaged premises on paying off the mortgage. She mortgaged the premises to pay off Dolins, and obtained a second Decree to foreclose her brothers' equity of redemption unless they paid her 5,731*l.* 5*s.*, due to her under the Will and on account of her payment to Dolins, and her brothers were forclosed accordingly. On Petitioner's marriage with Joseph Gardner, her estate was entailed on their issue, but it is like to be swallowed up by the mortgage money borrowed to pay off Dolins, unless an Act is passed for the sale of the mortgaged premises to pay off the mortgage. Pray leave to bring in a Bill. *Signed* by both Petitioners. L. J., XVI. 486.

1478. Jan. 9. Hyde's Estate Bill (Petition).—Petition of Gertrude Hyde, widow and relict of Humphrey Hyde, late of Kingston Lisle, in the county of Berks., Esq., deceased. Petitioner's husband made a settlement reserving power to charge his estate by Will with a sum not exceeding 5,000*l.* for his younger children or otherwise, and afterwards, by his Will, appointed 4,600*l.* to his younger children and 50*l.* to the poor of Kingston Lisle; but some doubts arising on the construction of the settlement and Will taken together, the trustees cannot raise the money unless enabled by Act of Parliament. Prays leave to bring in a Bill for that purpose. *Signed* Ger. Hyde. [Read this day and leave given.* L. J., XVI. 489.]

1479. Jan. 9. D'Harcourt's Naturalization Act.—Amended Draft of an Act for the naturalization of Oliver D'Harcourt and others. The amendments in Select Committee were to insert in the Bill the names of Michael Hubert, Alexander Hubert, David Gansepoel, Blaise Gervaisot [Pervaisot], John Gerard, John Swinford, and John Henrix.

* No Bill appears to have been introduced at this time. The children of Humphrey Hyde brought in a Bill in 1701, which received the Royal Assent. L. J., XVI. 656, 738.

Com. Book 26 Jan. In the Commons various other names were added which are set out in C. J., XIII. 272. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 489, 579. 12 Will. III. c. 58 in Long Cal.] 1699–1700. — No. 1479.

Annexed:—

(*a*) 19 Dec. Petition of Oliver D'Harcourt, John Barraton and John Vaugensinner, officers in the late Marine Regiment commanded by Col. Edward Dutton Colt. Petitioners have faithfully served his Majesty and the present Government since the beginning of the late wars, and were commanded on board the Straits Fleet under the command of Admiral Aylmer 6 Sept. 1698, since which time all the other common officers of the army that were foreigners have been naturalized. Pray that their being upon immediate service at that time may not be to their prejudice, but that they may have leave to bring in a Bill for their naturalization. *Signed* by all the Petitioners. *Endorsed* as read this day. L. J., XVI. 487. [Petitioners sworn at the Bar on 15 Jan. MS. Min. No entry in L. J.]

(*b*) 9 Jan. Petition of Blaise Pervaisot, Lieutenant of Grenadiers in Col. Sanderson's Regiment of Foot, now disbanded. Petitioner has faithfully served his Majesty for seven years both in the English horse and foot, and after the disbanding of the Regiment was put on half pay, which he has received for a year. Being absent and sick in Flanders during the last Session, he could not be naturalized, so that his half-pay, which was the only support of himself and family, has been cut off ever since 15 March last. Petitioner, who is a French Protestant refugee, prays to be admitted to be naturalized. *Signed* by Petitioner. *Endorsed* as read this day. Petitioner added to the Bill. L. J., XVI. 490. [Petitioner sworn at the Bar on 15 Jan. MS. Min. No entry in L. J.]

(*c*) 17 Jan. Petition of Michael Hubert, Gent., and Alexander Hubert, his son, an Infant. Petitioners, who are French Protestants and refugees, being about twelve years since forced out of their country by the severe persecution of the French King, took refuge in this Kingdom, where they have lived ever since with all zeal and duty to the Protestant interest, his Majesty's Government and good of the Kingdom, and being desirous to continue so doing, pray to be admitted to be naturalized. *Signed* Micaele Hubert. *Endorsed* as read this day. Petitioners added to the Bill. L. J., XVI. 495. [Michael Hubert sworn this day at the Bar. MS. Min. No entry in L. J.]

(*d*) 17 Jan. Petition of David Gansepoel, late a Captain of a Company of Foot in Col. Holt's Regiment, now in the Leeward Islands. Petitioner, being come out of France, which he was forced to quit on account of his religion, about nine years since, was entertained in his Majesty's service as Captain of a Foot Company in the late Duke of Bolton's Regiment, now commanded by Col. Fox, where he has served ever since according to his duty until the late Act of Parliament for disbanding of foreigners. Prays to be admitted to be naturalized. *Signed* by Petitioner. *Endorsed* as read this day. [Petitioner added to the Bill. L. J., XVI. 495.]

(*e*) 17 Jan. Petition of John Swinford and John Gerard, Gent. Petitioners, being Protestants, have for these eleven years past lived in the service and Kingdom of England, and have always

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expressed their duty, zeal and affection for the Protestant interest, his Majesty's Government and the Kingdom of England; and being very desirous to continue so, pray to be admitted to be naturalized. *Signed* by both Petitioners. *Endorsed* as read this day. [Petitioners added to the Bill. L. J., XVI. 495.]

(*f*) 23 Jan. Petition of John Hendrix, mariner. Petitioner is the son of an Englishwoman, is a Protestant, and so educated from his infancy; served an apprenticeship of seven years with an Englishman, a mariner, ever since, being 12 years, sailed in English ships. He is married to an Englishwoman, by whom he has several children, and has always expressed his duty and zeal to the Protestant interest, his Majesty's Government and the good of the Kingdom of England. Prays to be admitted to be naturalized, and, as he has many children, prays that his fees may be moderated. *Signed* by Petitioner. *Endorsed* as read this day. [Petitioner added to the Bill. L. J., XVI. 499.]

(*g*) 26 Jan. Lords' amendments made in Select Committee this day. Com. Book.

1480. Jan. 9. Kirke *v.* Webb.—Petition and Appeal of Thomas Kirke, Gent. Recites the particulars of the marriage settlement made by Sir Henry Wood, on his daughter's marriage with D. Southampton, of Sir Henry's Will, and of the Causes, Wood *alias* Cranmer *v.* Webb, and Webb *v.* Kirke, as set out in Henry Webb's Appeal in the latter Cause.* The Decree of 8 Dec. 1698, appealed from in that Cause, obliged Henry to deliver up to Petitioner a chattel lease of 65*l.* per annum and to pay him 5,604*l.*, the residue of the Bishop's personal estate, but reserved for further consideration the matter relating to the Bishop's purchases during the lifetime of Petitioner's wife, of the value of 19,230*l.* On further hearing on 23 June 1699 before the L. Chancellor, the Master of the Rolls, and Mr. Justice Powell, so much of Petitioner's Bill as claimed payment of the remainder of his debt out of the Bishop's purchases was dismissed. Appeals against this dismission, as the Bishop, according to Master Sir Robt. Legard's Report, had received 26,800*l.* out of Petitioner's wife's estate, and had paid most of his purchase money out of it. If that part of the Decree held good, trustees would be able to defeat their *cestui que trusts*, without remedy. Prays that Henry Webb, Thomas Webb and Sir Cæsar Cranmer may be ordered to answer. *Signed* Thomas Kirke. *Countersigned* Nath. Wright, J. Pratt. L. J., XVI. 490. [At the Hearing on 7 March, *Mr. Serjeant Wright* and *Mr. Northey* appeared for Appellant, and *Sir Tho. Powys* and *Mr. Pooley* for Respondents. The Appeal was dismissed. MS. Min. 7 March. L. J., XVI. 539.]

Annexed:—

(*a*) 23 Jan. Several Answer of Thomas Webb. Respondent and Sir Cæsar Cranmer, *alias* Wood, as heirs of their respective mothers, the Bishop's sisters, would have been entitled to his estate of inheritance had he died intestate. Insists on the provisions of the Bishop's Will. The dismission complained of was just and should be affirmed. *Signed* Tho. Webb. *Countersigned* Dan. Foucaut. *Endorsed* as brought in this day.

* *See* Webb *v.* Kirke. House of Lords MSS., Vol. III. (New Series), No. 1347.

(*b*) 23 Jan. Several Answer of Henry Webb. If it had been true that the Bishop's purchases had been paid for out of Sir Henry Wood's estate, which is denied, they would not be liable to satisfy Appellant's claim. *Signed* Henry Webb. *Countersigned* Hen. Pooley. *Endorsed* as brought in this day.

(*c*) 5 Feb. Several Answer of Sir Cæsar Wood *alias* Cranmer, Knt. Admits the facts alleged in the Appeal, but says he himself was entitled to all Sir Henry Wood's real estate after the Duchess' death, and he saves to himself all right and claim he may have to the same. *Signed* Cæsar Wood *als.* Cranmer. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

1481. Jan. 11. Mason *v.* Nugent (E. Westmeath).—Petition and Appeal of Robert Mason, Gent. In 1682 Richard, late Earl of Westmeath, mortgaged certain lands in Westmeath and Roscommon to Sir John Parker, Knt., and devised them, so charged, to his grandson, Thomas Nugent, the Respondent. In 1691 Parker exhibited his Bill in Chancery in Ireland against Nugent, to compel payment or foreclosure, and in February 1692–93 an account was decreed. After many frivolous delays on Nugent's part, the Lord Chancellor decreed on 9 Feb. 1694–95 that he should pay about 1,945*l.* by the first of next Michaelmas term, with costs, or be foreclosed. On 19 Feb. 1694–95 Parker sold the premises to Petitioner, for valuable consideration. Nugent objected to this sale, on the ground that, on Parker's marriage, the premises were settled on trustees to certain uses. The time for repayment was twice enlarged, and Sir Edward Abney, the surviving trustee, in the meantime, by order of the Lord Chancellor, conveyed the premises to the two senior Six Clerks. On Nugent's suggestion that the lands were worth more than the mortgage money, be was invited to find a purchaser, but failed to find one who would offer the amount of the mortgage money, as lands were then of small value in Ireland. Mr. Nugent failed to redeem by 25 March 1696, the extended term allowed to him, and foreclosure followed. The Decree was signed and enrolled, and the premises were conveyed to Petitioner on 2 and 3 April 1696 for 1,945*l.* Sir John Parker died soon after. Petitioner found the lands in Roscommon let for only 80*l.* a year, and those in Westmeath for 50*l.*, much less than the interest of the purchase money. Thinking his title good, he planted the lands with Protestants, there never having been any but Papists there before, and he and his tenants laid out much money in improvements. In December 1696, however, Nugent exhibited a Bill in Chancery in Ireland praying to redeem, to which Petitioner pleaded the previous Decree, but his plea was reserved to the hearing, and he was compelled to answer the Bill, as also a supplemental Bill brought by Nugent in January 1697–98. On 4 Feb. 1698–99 the L. Chancellor decreed, contrary to his former Decree, that the profits of the lands should go in lieu of the interest, that the improvements should be valued, and that Mr. Nugent might redeem. In spite of the L. Chancellor's opinion that the matter had not been so fairly before the Court as that the Decree could be drawn up, it was drawn up, and on 17 Nov. 1699 Petitioner's plea was overruled and Nugent was allowed to redeem. Though by the pretended Act of 1688, repealing the Act of Settlement of Ireland, Nugent had obtained 7,000*l.* a year, the usual abatement of interest had been made in his case in stating the account. Petitioner appeals against the last Decree because he was a purchaser for valuable consideration, protected by previous Decrees and Orders, because his

1699–1700. — No. 1481. plea ought to have been admitted, because there was no Bill of Review, and because of irregularities in the late proceedings on Nugent's two Bills. *Signed* Robt. Mason. *Countersigned* James Sloane, Fra. Annesley. L. J. XVI. 492. [At the Hearing on 12 March *Sir Thomas Powys* and *Sir Barth. Shore* were heard for Appellant. *Mr. Serjeant Wright*, for Respondent: Mr. Mason was not originally concerned. They have been in possession since 1691, and have paid more than the interest all along. The House cannot come in without making it with this man Mason an original Cause. *Mr. Filmer* also heard for Respondent: There never was but 1,900*l.* paid for the lands. The Appeal was dismissed. MS. Min. L. J., XVI. 545.]

Annexed:—

(*a*) 29 Feb. Answer of Thomas Nugent, commonly called Earl of Westmeath. Respondent rectified the alleged irregularity by filing a replication. Prays the Decree may be affirmed with costs. *Signed* Westmeath. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

1482. Jan. 11. Attornies Bill.—Amended* Draft of an Act for reducing the excessive numbers of attorneys, and of such as practise as attorneys. Whereas by an Act made at the Parliament holden in the 3rd year of the reign of the late King James the First, intituled An Act to reform the multitude and misdemeanours of attorneys and solicitors, and to avoid unnecessary suits and charges in Law, the great numbers of attorneys, being then found to be a public grievance, were intended to have been reduced, and none suffered to practise as attorneys but such as should be of known skill and honesty in that profession; Nevertheless, by reason of the connivance of some of the chief officers in the Courts at Westminster and others neglecting to put the said Act in due execution, the numbers of attorneys and such as practise as attorneys who have neither skill or integrity are now increased to more than ever, so as they cannot subsist by their lawful practice, but for a livelihood are forced to promote unjust and vexatious suits, to the disquiet and impoverishment of many of his Majesty's good subjects, and especially the poorer sort; For providing therefore some present remedy against so great an evil, may it please your most excellent Majesty that it may be enacted and Be it enacted &c. That the several Judges in the Courts at Westminster with the chief officers of the same Courts respectively shall and they are hereby required before the end of Easter Term which will be in the year of Our Lord 1700 strictly to examine the Rolls in their several Courts where the names of attorneys are entered, and make diligent inquiry of and concerning the ability and honesty of the persons there entered as attorneys, and of the counties, cities and places wherein they reside and practise, and to discharge such of them from practising as attorneys as upon their experiences or knowledge, or upon [common fame either] *due information*† on account of unskilfulness or undue practice shall, in their judgments or discretions, be found to be unfit to practise as attorneys in the said [county] *Courts*, and to disallow and punish all others who shall not be entered in the Rolls of the said Courts respectively who *shall presume to* practise as attorneys there, *and at the beginning of every Session of Parliament to give an account to both Houses of Parliament what they shall have acted or done in pursuance of this Act*

* Additions in italics, omissions in square brackets.

† Amendment in Lords Select Committee on 17 Jan. *See* Com. Book.

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*in that behalf;** And be it further enacted by the authority aforesaid That none of the Judges *or officers** of the Courts aforesaid shall at any time hereafter permit or suffer any person to practise as an attorney in their respective Courts who [shall not be] *are not or** have not *been* there first admitted and sworn as by the Law or the Rules of the said Courts respectively is directed, nor shall admit or swear any person to be an attorney *nor suffer any to practise though already sworn** in any of the said Courts who shall not have been bred up and served for the space of five years at the least under some Judge, protonotary, chief officer, or attorney of the Court wherein he desires to be admitted to practise, and who shall not produce *at the General Quarter Sessions held for that county*† a certificate and testimonial under the [hands and seals] *hand and seal*† of the Custos Rotulorum [and of] *which certificate shall likewise be signed at the said Quarter Sessions in open Court by all*† the Justices of the Peace *then present*† of the county or place where such person intends to reside and practise as an attorney, of his sufficiency and integrity for that profession, and who shall not upon examination of the Judges of the Court where he is to be admitted be found to be of skill and ability to practise as an attorney; and in case any person so discharged or disallowed from practising as an attorney or not being admitted *entered upon the Roll** and sworn upon such certificate and examination as aforesaid shall presume to practise as an attorney in any of his Majesty's Courts at Westminster, *or in any inferior Court of Record** either in his own name or in the name of any attorney, *and also every sworn officer or attorney in any of the said Courts that shall let to rent or lend his name to any person or persons to practise as an attorney or that shall willingly or wittingly permit or suffer any person or persons being no attorney any wages to use or practise in his name as an attorney,** every such person so offending and being thereof lawfully convicted shall be taken and adjudged to be a common barreter and be punished and suffer all such pains, penalties and forfeitures as a common barreter is or ought to undergo and suffer by the laws of this realm.‡ Provided always that this Act or anything therein contained shall not be prejudicial to any person or persons whatsoever who, by virtue of any *particular** office [or place] *seigniory, liberty, or franchise*,† have or shall have the right of nominating or appointing any certain number of attornies or sworn clerks in any such office [or place] *seigniory, liberty, or franchise*,† but that such person and persons may nominate and appoint and such attorneys or sworn clerks may hold and enjoy their said places and practices in like manner and as fully and amply to all intents and purposes as if this Act had not been made, anything herein contained to the contrary notwithstanding. [Read 1ª this day. The Bill was referred to a Select Committee on 15 Jan. L. J., XVI. 491, 493. Amended in Select Committee on 17 Jan., and, on re-commitment, on 1 Feb. Com. Book. L. J., XVI. 503, 506. On 8 Feb. the Bill was sent to the Commons, where it dropped after First Reading. L. J., XVI. 508. C. J., XIII. 186, 297.]

Annexed:—

(*a*) 5 Feb. Paper of amendments made in the Select Committee on 17 Jan. and on re-commitment on 1 Feb. They are

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* Amendment in Lords' Select Committee on re-commitment made on 1 Feb. *See* Com. Book.

† Amendment in same Committee on 17 Jan. *See* Com. Book.

‡ Here is marked to be inserted the clause set out in (Annex (*a*)).

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practically the same as the amendments noted in the text of the Bill above, with the exception of the following clause, added on 1 Feb. (*see* Com. Book) and marked to be inserted after the word, Realm, (*see* Text above). It is as follows: And it is hereby also enacted that it shall not be lawful for any attorney in any of the said Courts at any time hereafter to receive or keep at one and the same time more than two covenanted clerks, and shall not receive or take a clerk for less than five years, but where a clerk shall have served some other attorney and shall be turned over to him; in which case such attorney shall receive and take such clerk for such time as, together with the time he served his former master, shall complete the term of five years, and not less. And, to the end this law may be the better observed, It is hereby enacted that every attorney for the future, within three months after he shall receive and take any person to be his covenant clerk, shall cause his Christian name and surname, and the day and year from whence he commences his service and clerkship, and also the time he is to serve, to be entered and written under or near his own name in the Roll where he himself is entered an attorney; and in case any clerk shall not be entered in manner aforesaid, all covenants and agreements for his fidelity and service shall be and are hereby made void, and such clerk shall also be incapable of being sworn an attorney. [Reported this day. L. J., XVI. 506.]

1483. Jan. 15. Carroll *v.* Eustace (Original and Cross Appeals). Petition and Appeal of James Carroll. Sir James Carroll being seised in fee of the dissolved Abbey and Rectory of Baltinglasse, co. Wicklow, mortgaged them in 1623 to Sir Thomas Roper, Knt., afterwards Viscount Baltinglasse, for 3,000*l.*, vesting them in Sir Robert Kennedy and John King as trustees by Letters Patent for that purpose. V. Baltinglasse then entered upon the premises, worth 1,500*l.*, and died in 1642. His son Thomas transferred the mortgage to Humphry Abdy, Esq., and after his death his executors, Sir Richard Reynall and Henry Whitfeild, Esq., enjoyed the premises for several years, the equity of redemption descending to Sir Robert Kennedy, son and heir of Sir Richard, the only surviving Patentee. Sir James Carroll died in 1638, having had three wives. By his first wife he had two sons, James and John, who died without issue, and a daughter Elizabeth, wife of Owen Geoghogan; by the second wife, he had three daughters Jane, Amy, and Sarah; and by the third, two sons James and Thomas. These two sons, who survived their father, succeeded to the property in turn, both dying without issue, whereby the title to the property descended to James Carroll, Petitioner's father, who was the son of Sir James Carroll's brother John, and then to Petitioner, on his father's death; but Sir James's daughters, after their brothers' deaths, took possession of the premises and title deeds, and, by confederacy with Sir Maurice Eustace, Knt., and others, exhibited in 1673 a Bill in the Chancery of the Court of Exchequer in Ireland, against Anne, Viscountess Baltinglasse, relict of Sir Thomas Roper's son, Sir Richard Reynall, Henry Whitfeild, and others. In 1676, without making Petitioner and his father parties, they procured a Decree that the premises should continue to Kennedy, the surviving Patentee, in trust for the heirs of Sir James, after paying off the mortgage to Abdy's executors, though it had long ago been covered by the profits. The property was then conveyed to Sir Maurice

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Eustace, on the pretext that he had paid off the mortgage, whereas it really belonged to Petitioner as administrator to V. Baltinglasse, the son and administrator *de bonis non* to the Viscount, his father. Whatever estate the son had, descended to his brother Christopher, whose two daughters and co-heirs, Catherine and Dorothy, conveyed it to Petitioner. In 1683 Petitioner exhibited a Bill in Chancery in Ireland against Eustace, Reynall, Whitfeild, Kennedy and others for an account of the rents and profits. The Defendants in their Answer denied Petitioner's right on the ground that neither his father nor his grandfather ever married, and that if he or his father had any right, they released it in 1662. In 1686 Eustace brought a Cross Bill to the same effect, and alleged that he had spent 10,000*l.* in disencumbering the property, the principal and interest of Abdy's mortgage being 15,000*l.* On the hearing the issues were directed to be tried of Petitioner's legitimacy and the pretended release in 1662, and in the King's Bench in Ireland they were decided in Petitioner's favour in May 1688. In June a new trial in the Common Pleas of the second issue was ordered, but deferred on the suggestion that Eustace was with King James opposing the invasion of the Dutch. The Revolution interfered with further proceedings until 1690, when Eustace insisted on a new trial, which was granted on the second issue as previously ordered, all temporary bars being ordered to be laid aside. After delays caused by Eustace who set up his Privilege as a member of Parliament, the issue was tried in 1695, when Eustace insisted on the mortgage and other temporary bars, and obtained a verdict, though the Judges certified that it should have been given for Petitioner, but for the temporary bars. In 1698 the Lord Chancellor and the three Chief Justices decreed the right of redemption to Petitioner, and in June 1699 the Lord Chancellor confirmed this right, Petitioner repaid Eustace what he had paid to Abdy's executors and the co-heirs of Sir James Carroll, his costs in Chancery and also a proportionate part of any improvements. Petitioner was also to confirm the leases made by Eustace, who was not to account for the mesne profits. Petitioner appeals on the ground that he ought to pay only the overplus after account of the mesne profits, that nothing should have been paid to the co-heirs, who had no right, that Eustace had profited from any improvements, that Petitioner was the sufferer, and should not have to pay Eustace's costs, nor confirm his leases, and that Eustace ought to account for mesne profits. *Signed* James Carrol. *Countersigned* James Sloane, Fra. Annesley. L. J., XVI. 493. [At the Hearing on 21 March *Mr. Serjeant Wright* heard for the Appellant: We are by the Decree to redeem, but on such terms as is not usual. *Sir Tho. Powys* heard on the same side. *Sir Barth. Shore*, for the Respondent: We think some time ought to be given for redemption of mortgages. *Mr. Pooley* is also heard. *Mr. Serjt. Wright:* It is very reasonable that Sir Maurice account for the profits he has received. *Sir Tho. Powys:* Shall not the mortgagee have the profits received? It is confessed by Lady Baltinglasse and Sir Rich. Reynalls that it is a mortgage. The Chancery always allows account for profits received. MS. Min. Judgment given the same day in favour of Carroll. L. J., XVI. 555.]

Annexed:—

(*a*) 7 March. Answer of Sir Maurice Eustace, Knt. Appellant has no ground of complaint against the Decree, but no Decree ought to have been given in his favour. Respondent hopes the Appeal will be dismissed with costs. *Signed* Mau. Eustace. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

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(*b*) 7 March. Petition and Cross Appeal of Sir Maurice Eustace, Knt. Recites the facts stated in Carroll's Appeal above. The first mortgage was for 60 years to Sir John Roper, afterwards V. Baltinglasse, and Sir John Brereton, increased to 1,000 years. Sir James Carroll died in 1640, and his two sons died infants about 9 years after, without ever having been in possession, as their estate was not in fee, but a trust for the co-heirs. Petitioner purchased their rights, and has spent 20,000*l.* on the property. The Appellant claims as heir of the whole blood to Sir James's sons, whereas he is illegitimate. The mortgagees have been in possession for 64 years. They were not disturbed for forty years, so that it is now difficult to prove Appellant's illegitimacy. Such proof, however, has been discovered by Petitioner since the Decree was pronounced. Petitioner ought not to be ousted from his property without a rehearing. The verdict against him was procured by foul means. Appeals against the Decree, and prays that Carroll, having all the papers for his defence now in town, may be ordered to answer in a short time. *Signed* Mau. Eustace. *Countersigned* Hen. Poley, Ric. Turner. L. J., XVI. 539.

(*c*) 9 March. Answer of James Carroll, Esq., to the Cross Appeal. The terms imposed upon him by the Decree are too hard, but the Decree is just in giving him the redemption. Prays the Cross Appeal may be dismissed with costs. *Signed* James Carroll. *Countersigned* N. Wright, Fran. Annesley. *Endorsed* as brought in this day.

(*d*) 15 March. Petition of William Temple, of the city of London, Esq. Petitioner is heir-at-law and administrator of Anne, late Viscountess Baltinglasse, and so entitled to the premises in dispute, the title deeds of which are in the hands of Eustace, who made use of them, particularly the release in 1662 of James Carroll's father to V. Baltinglasse, to bar Carroll's pretensions. Petitioner has exhibited his Bill in Chancery in Ireland against Carroll and Eustace, the latter of whom refused to answer, and has been ordered to do so. Prays that there may be a saving of Petitioner's right in any Order to be made by the House on the Appeal. *Signed* Will. Temple. *Endorsed* as read this day. L. J., XVI. 548.

(*e*) 22 March. Petition of Sir Maurice Eustace. At the Hearing of the Cause yesterday Petitioner's Counsel wished to have some proofs read of the illegitimacy of James Carroll's father and of his release of his right to the premises, but was prevented by Carroll's Counsel stating that no proofs to these points were read in the Court below, whereas in truth divers proofs to those points were read, as might have been shown by the annexed notes of the hearing; but Petitioner could not find them among the vast number of other papers. If allowed to be read, the proofs would have affected the Judgment of the House. In consequence of this misfortune Petitioner is in danger of losing his estate, on which he has spent more than it is worth, and the church and other pious uses will suffer, as Petitioner's uncle, the late Lord Chancellor Eustace, settled the impropriate Rectory of Baltinglasse, worth 350*l.* a year, to the use and support of preaching ministers and for the erecting and endowing a free school there. Prays for a day to read the proofs read at the hearing below. *Signed* Mau. Eustace.

Endorsed Offered 22 March; read and rejected 23 March 1699. L. J., XVI. 556, 558. [*See also* next paper.]

(*f*) Copy of the notes of evidence read at the last hearing, to prove Carroll's bastardy and release. *Dated* 7 Dec. 1698. *Signed* Fran. Burton, D. Regr. *Examined* 2 Feb. 1699. These contain notes of witnesses examined as to the bastardy, as to an erasure by James Carroll in the church book, which was produced, and to prove the release by James Carroll in 1662 to L. Baltinglasse for 20*l.* down and 20*l.* on the following 29 Sept. [Appended to preceding.]

1484. Jan. 16. Blackwell Hall Market Bill.*—Commons' Engrossment of an Act for the more effectual execution of an Act intituled an Act to restore the Market at Blackwell Hall to the clothiers and for regulating the factors there.

Whereas an Act made in the Session of Parliament held in the eighth and ninth years of the reign of his present Majesty, intituled an Act to restore the Market of Blackwell Hall to the clothiers, and for regulating the factors there, hath not been duly observed: Now the better to enforce the execution thereof, Be it enacted by the King's Most Excellent Majesty, etc., that in case any person or persons after *the five and twentieth day of March, one thousand seven hundred*, shall buy any cloth of any factor, packer, drawer, clothworker, or other person or persons (except of the owner of the cloth) otherwise than for ready money, then every such factor, packer, drawer, clothworker, person and persons selling the same cloth shall, within twelve days next after the sale and delivery thereof, take or demand a note in writing from every such buyer or buyers, testifying under the hand of such buyer or buyers, the cloth so sold, the sum or sums of money such cloth is sold for and payable by such buyer or buyers to the owner or owners of such cloth, or to his order, according to the contract made on sale thereof, and shall on demand deliver every such note, with notice thereon written of such buyer or buyers' usual place of abode, to the owner or owners of the cloth so sold, or to any person authorised by the same owner to demand or receive the same, on pain to forfeit to the owner or owners of the same cloth so sold, for every neglect or refusal of demanding such note or such delivery thereof with notice as aforesaid, the sum of five pounds [for every cloth so sold and delivered as aforesaid] to be sued for and recovered by *the owner or owners of such cloth by action of debt, bill, plaint, or information in any of his Majesty's Courts of Record, in which no essoign, wager of law, or protection, and but one imparlance shall be allowed.* And if any such buyer or buyers of any cloth as aforesaid for money not in hand paid at the time of the buying thereof shall refuse or neglect to give any such note or notes as aforesaid for the space of *thirty* days next after the demand of any such note or notes by the factor, packer, drawer, clothworker, person or persons selling the same cloth, then every buyer and buyers shall forfeit and pay to the owner and owners of the cloth so bought the sum of *five pounds. And whereas it has been doubted that the said recited Act of Parliament does extend to the Market at Blackwell Hall for flannels, linseys, serges, bayes, kerseys, and cottons Be it declared and enacted by the authority aforesaid that the said Act, or anything therein contained, does not extend to the said Market for flannels, linseys, serges, bayes, kerseys, cottons, or*

* The differences between this Bill and that of 1698–9 are printed in Italics. See House of Lords MSS. Vol. III. (New Series) No. 1395.

1699–1700. — No. 1484. *any of them, but that the said Market at Blackwell Hall for flannels, linseys, serges, bayes, kerseys, and cottons may and shall be held, and the owners of all such flannels, linseys, serges, bayes, kerseys, and cottons, and the factors employed to sell the same shall and may have free access to their warehouses in the said Hall to sell or carry away any such flannels, linseys, serges, bayes, kerseys, or cottons in such manner as was formerly used before the making of the said Act, anything therein contained to the contrary notwithstanding.* Provided always and be it enacted by the authority aforesaid that no person or persons shall be liable to any other penalty or penalties, *or to any other action or actions, person or persons whatsoever* for or in respect of any offence by him or them committed contrary to this Act than is hereinbefore mentioned and expressed, any law or statute to the contrary notwithstanding. *Provided also that the clothiers or owners of cloth, and their factors or agents shall and may have liberty and free access to their standings and warehouses in the said Hall, there to sell or carry away any woollen cloth there sold, in such manner as was formerly used before the making the said Act, the said Act or any law or usage to the contrary nothwithstanding. And be it further enacted by the authority aforesaid that the public Market at Blackwell Hall shall begin and be held on every of the days in the said Act of Parliament appointed for holding the same, at and from nine of the clock in the forenoon of the same day, and not before, anything in the said Act contained to the contrary notwithstanding.* Provided also that this Act *or the said recited Act* shall not extend to charge any person or persons with any the penalties *in this or* the said *recited* Act *contained* for any offence by him or them committed unless *the suit or prosecution for the same be commenced* within one year next after the offence by him or them committed. *Parchment Collection.* [Brought from the Commons and read 1ª this day. L. J., XVI. 494. Read 2ª and committed on 17 Jan. *Ib.* 496. No further proceedings.]

1485. Jan. 16. E. Bath's Privilege (Million).—Petition of John, Earl of Bath. He has been for several years in quiet possession of a farm called Finckley Park, in the county of Southampton, part of the late D. Albemarle's estate settled on Petitioner and his heirs; but in October last one Henry Million, agent of William Sherwin and Elizabeth, his wife, delivered by their order a declaration of ejectment to Edmond Rolph, Petitioner's tenant of Finckley, contrary to Privilege of Parliament. Insists upon his Privilege against a Cause carried on for scandal and vexation only, in the face of two verdicts at King's Bench, and prays the House will take into consideration the breach of Privilege. *Signed* Bath. L. J., XVI. 494. [On the Petition being read this day, *E. Bath* was heard: One Sherwin is the person complained of. He is a broken tradesman, and now writes himself Esquire. *Edmond Rolph*, the tenant, one *Mowley*, and *Robt. Grenway* were sworn and gave evidence as to the service of the ejectment, and of Sherwin having owned he had employed Million. *Ordered* that Sherwin and Million be attached. MS. Min.]

1486. Jan. 16. Darien Scheme.—Letter [from Secretary Vernon] to the Governors in [America and] the West Indies about the Scots [settlement at Darien], as follows—His Majesty having received advice from the Island of Jamaica that several ships of force fitted out in Scotland were arrived at the Island of St. Thomas, with an intention as they declared, to settle themselves in some parts of America, their design being unknown to his Majesty, lest the same should derogate

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from the treaties his Majesty has entered into with the Crown of Spain, or be otherwise prejudicial to any of his Majesty's Colonies in the West Indies, his Majesty commands me to signify his pleasure to you, that you strictly enjoin all his Majesty's subjects, or others inhabiting within the districts of your government, that they forbear holding any correspondence with, or giving any assistance to, any of the said persons while they are engaged in the aforesaid enterprise; and that no provisions, arms, ammunition, or other necessaries whatsoever, be carried to them from thence, or be permitted to be carried either in their own vessels or any other ship or vessel for their use. His Majesty requires that you do not fail herein, but take particular care that the above-mentioned directions be duly observed, and that you send hither an account of your proceeding in the execution of these his commands. *Signed* Ja. Vernon. *Dated* Whitehall, 2 Jan. 1698–9. *Noted* sent to—

My Lord Bellomont, Governor of the Massachusetts Bay, New York and New Hampshire.
Ralph Grey, Esq., Governor of Barbados.
Sir Wm. Beeston, Governor of Jamaica.
Francis Nicholson, Governor of Virginia.
Nath. Blakiston, Governor of Maryland.
Saml. Day, Governor of Bermuda.
Major Wm. Burt, President, and the rest of the Council of Nevis.
Governor or Dep. Governor of Connecticut.
Governor or Dep. Governor of East and West New Jersey.
Governor or Dep. Governor of Pennsylvania.
Governor or Dep. Governor of Carolina.
Governor or Dep. Governor of the Bahama Islands.
Governor or Dep. Governor of Rhode Island.

[Read this day. L. J., XVI. 494.]

On 10 Jan. The House, *On Motion*,* *Ordered* that on 16th the present posture of affairs in Scotland, relating to the business of Darien, should be taken into consideration. On 16 Jan. the above letter and the other documents mentioned in L. J., XVI. 495, were read, and a debate arose. *Moved* to have the opinion of the Commissioners of the Customs how far the colony at Darien may be prejudicial to the plantation trade; to address the King that the Treaty of '70 with Spain, and the Spanish Memorial relating to Darien (Annex (*b*)) might be laid before the House. *Moved* to adjourn this debate to another day. *Ordered* as in L. J., XVI. 495. On 18 Jan. E. Stamford brought in from the Council of Trade and Plantations a Paper (Annex (*a*)), pursuant to the Order of 16th inst., which was read. E. Jersey, Principal Secretary of State, brought into this House the Spanish Ambassador's complaint about the Scotch settlement (Annex (*b*)), which was read. He also brought in a printed book wherein the Articles of the Treaty with Spain concerning America were, which was read out of the printed book. *Moved* to adjourn the debate, That the Scotch settlement at Darien is prejudicial to the trade of England, and contrary to the Treaty between the Crown of England and Spain *Proposed* to declare as above. The Address of both Houses of 13 Dec. 1695 read. *Proposed* to adjourn the debate. *Proposed* to declare that the settlement of the Scotch colony at Darien is prejudicial to our plantation trade. That the King's pleasure signified to his Governors of the Plantations concerning the Scotch colony at Darien was agreeable to the Address

* After an expunged motion to appoint a day to consider of some steps towards making an Union between the two Kingdoms. MS. Min.

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of both Houses. *On Question:* Whether the debate shall be now adjourned? The proposed declaration, That the King's pleasure, &c., as in L. J., XVI. 497, was agreed to. After several postponements, the debate was resumed on 8 Feb., when part of a letter out of a printed book was cited. *Proposed* an Address to the King in this case, humbly to represent to him that the settlement at Darien may be prejudicial to the Treaty with Spain. The House was informed that his Majesty had discountenanced the settlement to four persons of Scotland. *Moved* not to address the King. After debate, *Proposed* to declare that the settlement at Darien is prejudicial to the trade of England. An Address to the King to that effect proposed. *Proposed* that the King be moved to appoint a council of English and Scotch to debate the affairs of both Kingdoms and represent them to his Majesty. After long debate, *Proposed* to declare that the Scotch colony at Darien is inconsistent with the benefit of the trade of England. After debate, the *Question* was proposed that the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this Kingdom. Then the *Previous Question* was put: Whether this *Question* shall be now put? *Resolved* in the affirmative by 32 to 26: Tellers E. Northampton and E. Rivers. Then the *Main Question** was resolved in the affirmative, and a Committee was appointed to draw an Address pursuant to the resolution.† On 10 Feb. the Address was reported from the Select Committee and read. The Preamble was respited or postponed. *Proposed* to move the King for papers relating to treaty of conference with gentlemen of Scotland. The second paragraph agreed to after debate. The third and other paragraphs agreed to, and leave given to protest. L. J., XVI. 511. After debate, Address agreed to. *Moved* to appoint a time to take into consideration of the Union between Scotland and England. *Ordered* that the Address be presented by the Lords with White Staves. Then the Order was made as to the Union. *Ib.* 512. The King's answer to the Address was reported on 12 Feb. MS. Min. L. J., XVI. 491–514. On 13 Feb. the L. Jersey acquainted the House that he had his Majesty's answer signed at the top, which was read, and he took back the other delivered yesterday. MS. Min.

Annexed:—

(*a*) 18 Jan. Opinion of the Commissioners of Trade and Plantation, addressed to the House of Lords, concerning the colony at Darien, as follows: In obedience to your Lordships' Order of the 16th instant, requiring us to lay before your Lordships our opinion how consistent the colony at Darien may be with the treaties with Spain and the trade of this Kingdom, we humbly offer to your Lordships: That the Isthmus of Darien is a tract of land lying between the Kingdoms of Peru and Mexico, or New Spain, and part of what is called by the Spaniards *terra firma* or *Castella aurea*, being in the centre of all the most valuable dominions of Spain in America. That it appears by the most approved books and historical accounts of the West Indies [*Margin.* Joan. de Lact. Descr. Amer. lib. 8 cap. 8, 9, 10.] that the Spaniards settled themselves there in the year 1510; and that one Enciso, a Spaniard, first discovered

* *Viz.*, That the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this Kingdom.

† Thirteen Peers protested against putting the Question, four of whom stated their reasons. *See* Protests of the Lords. Vol. I., p. 137. Edited by J. E. Thorold Rogers. Ten Peers entered their protest against the Address to the King.

the river called Darien, and built a town upon it, which he named Sta. Maria Antiqua, afterwards erected into a bishopric. But when Vasquez Nunez Balboa had discovered the South Sea, Petreio Davilla, then governor of the province of Darien, under the King of Spain, in the year 1519, removed the inhabitants from Sta. Maria to Panama, alleging the unhealthiness of the air for his so doing. That it appears also that the province of Darien has been so divided by the Government of Spain, that all on the one side of the river was allotted to the Audiencia or Presidentship of Panama, and the other side to that of Carthagena. [*Margin.* Herrera, Historiographer to the K. of Spain. Cap. 15.] And though the Spaniards having built several towns in Darien, did afterwards demolish them, and retire to other neighbouring places, as they were invited by convenience or advantage, yet this changing of habitations is not judged a dereliction of the territorial property of the province, which they have always esteemed to be and remain entire in the Crown of Spain and in their possession: the inhabitants being only removed some to Panama, others to Portobello and Carthagena, which three places are the extremities that in a manner environ and comprehend the isthmus of Darien. [*Margin.* Quod si quid universum occupatum in singulos dominos descriptum non est non ideo vacuum censeri debet, manet enim in dominio primi occupatoris, puta populi aut Regis, &c. Grot. de Jure Bel. & Pacis lib. 2° Capt. 2.]. As to the consistency of a colony of his Majesty's subjects at Darien with the treaties between his Majesty and Spain and with the trade of this Kingdom, we further humbly offer: That after great hostilities exercised for many years between us and the Spaniards in America, a treaty for composing of differences, restraining of depredations, and establishing of peace in America between the Crowns of Great Britain and Spain was concluded at Madrid the 8/18 July 1670, with particular regard to the ascertaining and settling the possessions of each Crown in those parts; wherein, amongst other things, it is agreed by the seventh Article, That the King of Great Britain, his heirs and successors, should have, hold, keep and enjoy for ever, with plenary right of sovereignty, dominion, possession and propriety, all those lands, regions, islands, colonies and places whatsoever, being or situated in the West Indies, or in any part of America, which the said King of Great Britain and his subjects did then hold and possess. As also by the eighth Article: That the subjects and inhabitants, merchants, captains, masters of ships, mariners of the Kingdoms, provinces and dominions of each confederate respectively, should abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or warehouses, and in all places whatsoever possessed by the other party in the West Indies, viz. The subjects of the King of Great Britain should not sail unto and trade in the havens and places which the Catholic King holdeth in the said Indies. Nor in like manner should the subjects of the King of Spain sail unto or trade in those places which were possessed there by the King of Great Britain. That since the concluding of the said treaty, it has always been understood and insisted on by the Spaniards, from a constructive equity of the seventh Article, that as it is agreed that the King of Great Britain, his heirs and successors, shall for ever have and enjoy

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all places and lands then possessed by his subjects in the West Indies (of which number the country of Darien was none), so the King of Spain is equally and reciprocally to have and hold such places as were then possessed by his subjects. And such has been the force of this treaty, that as the subjects of all other European princes have forborn to plant a colony or make any settlement upon Darien, so also his Majesty's subjects have always, till on the late occasion, had such regard thereunto as never to attempt the same, which cannot be imputed to any want of knowledge of those parts. For that not only the English, but also the French and Dutch have long been as well acquainted with that coast and territory as any other whatsoever in America, and many proposals have been made from time to time to the Government of England to that effect. But the chief consideration against it has been, that such a thing could not be compassed without a rupture with the Spaniards, who have constantly insisted on their right to that territory, and do particularly endeavour to secure their property and possession thereof by their Armadillia or Barlovento Fleet, which cruises yearly upon that coast, as it does upon the other coasts of their dominions in America. And to evidence of what great consequence the Spaniards do esteem it to themselves that this country be untouched by any foreigner, we cannot but take notice that the treasures of Peru are carried by the South Sea to Panama, and from thence overland by the province of Darien to Portobello; so that the Spaniard will unavoidably be ever jealous of any neighbourhood that may seem to interrupt the communication betwixt the South and North Seas. As it may be judged from continued observations and experience that they will never, unless forced by conquest, suffer any other Europeans to plant themselves upon the mainland betwixt the Empires of Peru and Mexico; whereof we have a strong instance in that they would never hitherto permit us quietly so much as to cut logwood in the bay of Campeche upon the coast of Pucatan lying upon the same tract of land, near unto which, at a place called Port Royal, there was some years past a small colony of about 300 English, disavowed by the Government of England, whom the Spaniards seized, destroying many of them upon the place, and carrying others to Mexico, where they kept them working in chains. This they did, lest by degrees, we should habituate ourselves in those parts and settle there. Upon the whole matter, we are humbly of opinion, that such is the continued claim of the Spaniards to this country, that the planting a colony and making a settlement upon Darien, by his Majesty's subjects, is what must touch them in the most sensible and vital part, and that the doing of it would inevitably involve his Majesty in such differences with Spain as may prove fatal to the peace and good accord between the two Crowns, and consequently be destructive of our trade and highly prejudicial to our plantations in America. But supposing no such war should ensue from the settling a colony of Scotch as has been lately attempted, it would nevertheless be highly mischievous to our said plantations and principally to the island of Jamaica, the most important of any of them, by alluring away their inhabitants with the hopes of mines and treasure, and diverting the present course of trade, which is of the greatest advantage to England. All which is

most humbly submitted, &c. *Signed* Stamford, Lexington, Ph. Meadows, William Blathwayt, John Pollexfen, Abr. Hill, George Stepney. *Dated* Whitehall, Jan. 18. *Endorsed* as read this day. L. J., XVI. 497.

(*b*) 18 Jan. Spanish Ambassador's Memorial, concerning the Scotch settlement at Darien, as follows: Comme Monseigneur l'Ambassadeur d'Espagne se trouve obligé par ordre exprès de représenter à sa Majesté Britannique ce qu'il suit, il prie Monsieur de Vernon de représenter à la dite Majesté que le Roi, son maitre, se trouvant informé des différents endroits et dernièrement par le Gouverneur de la Havane, de l'insulte et attentat de quelques uns navires Ecossois, équipés avec gens et tripulation [sic] requises tâchent de prendre poste dans les souveraines domaines de sa Majesté dans l'Amerique et en particulier dans la province de Darien. Sa Majesté a reçu ces notices avec beaucoup de désagrément, comme une marque de peu d'amitié, et rupture de l'alliance qu'il y a entre ces deux Couronnes, (laquelle sa Majesté a observé jusques ici, et observe toujours fort religieusement, de laquelle ont resulté tant d'avantages et tant d'utilités tant à sa Majesté qu'à ses sujets), en suite de la quelle bonne correspondance sa Majesté ne s'attendoit à des pareilles soudains insultes et attentats de sujets de sa Majesté, et cela en temps de paix, sans prétexte ni aucune autre cause, dans le plus intérieur de ses domaines. Tout ce que le Roi veut qu'il soit présent à sa Majesté B., et que sa Majesté se trouve fort sensible des pareilles hostilités et injustes procedures, contre lesquelles sa Majesté prendra les mesures qui conviendront. *Dated* Londres le 3me. de May 1699. *Endorsed* R. 3 May /99. [Read this day. L. J., XVI. 497. MS. Min. 16 Jan.]

(*c*) 18 Jan. Translation of preceding.

1487. Jan. 17. Cowper's Estate Act.—Amended Draft of an Act for vesting part of the estate of Thomas Cowper, of the city of Chester, Esquire, in trustees for payment of debts. The amendments in the Select Committee were to fill in the names of the trustees, besides three clerical amendments. No amendment in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 495, 579. 12 Will. III. c. 46 in Long Cal. In Select Committee on 7 Feb. *Mr. Robert Callis*, one of the trustees (sworn), said he paid 700*l.* of the money expended in repairing the Golden Talbot, in Chester, for Mr. Cowper, and he knows he has expended 200*l.* more on other improvements. Com. Book.]

Annexed:—

(*a*) 16 Jan. Petition of Thomas Cowper, Gentleman. He is tenant for life without impeachment of waste of property in the city and county of Chester by virtue of deeds of settlement made by his late father, Thomas Cowper, one of which was upon his marriage with Martha, his now wife, and another a voluntary one, with power of revocation and a proviso that his father might charge a sum of money on the Golden Talbot in Chester, then in a ruinous condition, which was part of the premises thereby given. His father died without executing any of the said powers. The marriage settlement gives Petitioner power to charge on the premises therein mentioned 500*l.* for payment of his debts and 500*l.* for the increase of the portions thereby charged. The property is entailed on Petitioner's sons,

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failing whom, on his brother John Cowper and his sons, with remainder to the father's right heirs. Petitioner has laid out near 800*l.* on the Golden Talbot, and other sums on improvements, becoming thereby 1,800*l.* in debt, which he cannot pay even by cutting down the timber. He has a son and daughter, the eldest only 4 years of age, so that he cannot raise the money by fine and recovery. He has moreover power, by the marriage settlement to charge the premises with 100*l.* a year for a jointure for a second wife and 500*l.* for the children of a second marriage, which he is willing to forego if allowed to sell so much of the premises as will raise the 1,800*l.* Prays leave to bring in a Bill for that purpose. *Signed* by Petitioner. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 494.

1488. Jan. 18. Writ of Summons (L. Maynard).—Writ of Summons, to Banister, L. Maynard. *Dated* 3 Jan. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 496.]

1489. Jan. 19. Butler's Estate Act.—Amended Draft of an Act to enable Henry Butler, Esq., to make leases of part of his estate in Lancashire for discharge of incumbrances thereupon. The only amendment made in the Select Committee was to add a proviso (Annex (*c*)) charging the property with 40*l.* a year for the eldest son on his coming of age. Com. Book. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 497, 579. 12 Will. III. c. 45 in Long Cal.]

Annexed :—

(*a*) 11 Jan. Petition of Henry Butler, Esq. Petitioner, on his marriage was made by his father tenant for life of the manors or lordships of Out Rawcliffe and Stalmine-cum-Stenow and other lands in Lancaster, to the value of 600*l.* a year, with remainders in tail male to his sons successively, and then to his brothers Richard, George, Thomas, Christopher and John and their sons. The premises were charged with a rentcharge of 60*l.* a year to his father's widow and 20*l.* a year to his brother Richard. Petitioner had power also to charge them with 100*l.* a year for his second wife. The charge is now executed, as after the death of his first wife, leaving only two sons, Richard and Nicholas, Petitioner married again. Petitioner's father also charged the premises with 500*l.* for his younger children, and Petitioner had power to charge them with 500*l.* for payment of debts or any other uses. Prays leave to bring in a Bill to demise 100 acres, of the yearly value of 80*l.*, for 31 years, towards raising these two sums of 500*l.* *Signed* by Petitioner. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 491.

(*b*) 9 Feb. Paper containing the amendment made in Select Committee this day. Com. Book.

(*c*) 9 Feb. Draft proviso inserted this day in Select Committee.

(*d*) Office copy of Act, signed by William Cowper, Clerk of the Parliaments.

1490. 19 Jan. Writ of Summons (E. Shaftesbury).—Writ of Summons to Anthony, E. Shaftsbury. *Dated* 16th Nov. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 497.]

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1491. Jan 24. Holman's Estate Act (Perrott and Parran).— Amended Draft of an Act to supply the loss of certain indentures of lease and release heretofore made by Philip Holman, Esq., since deceased, to George Holman, his son, now also deceased. The two amendments made in the Select Committee were purely clerical. Com. Book. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI., 499 579. 12 Will. III. c. 44 in Long Cal.]

Annexed:—

(*a*) 19 Jan. Petition of James Perrott, of Northleigh, in the county of Oxford, Esq., and John Parran, of Bainton Manor, in the said county of Oxford, Esq. Philip Holman, Esq., left by his Will all his estates in the county of Oxford to his eldest son George, with several remainders over. Afterwards, by indentures of lease and release, he granted to his said son absolutely the manors of Northleigh, Holy Court and Ardley. He died shortly afterwards, without revoking his Will except by the said indentures. George Holman, the son, sold to James Perrott, Esq., since deceased, and to Petitioner Perrott, the first two manors for 5,730*l.*, and Petitioner Parran purchased Ardley for 4,000*l.* The indentures are lost; George Holman is dead, and his son and heir, being only ten years old, cannot confirm the purchases, so that Petitioners cannot satisfy a purchaser or dispose of the manors to their best advantage. Pray leave to bring in a Bill to supply the loss of the indentures. *Signed* by both Petitioners. *Endorsed* as read this day. Leave was given to bring in a Bill. L. J., XVI. 497.

(*b*) 8 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1492. 24 Jan. Merefield's Estate Act.—Amended Draft of an Act for [the] settling of the lands, tenements, and hereditaments, late of Robert Merefield and John Merefield, Esquires, deceased, and for ascertaining the proportions between the widow of the said Robert and his surviving children. The amendments in the Select Committee were to insert in the general saving clause at the end the names of Joan Merefield, the widow, and Roger Cosens. The other amendments were of a drafting character. Com. Book. The Commons inserted the name of Honor Holloway in the saving clause at the end of the Bill. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 501, 579. 12 Will. III. c. 36 in Long Cal.]

Annexed:—

(*a*) 23 Jan. Petition of Lydia Merefield, widow, and Robert Merefield, her son, an infant, John Donne and Alice, his wife, William Merefield and Susannah, his wife. There have been divers suits in Chancery, between Petitioners concerning two annuities devised by the Will of Robert Merefield, Esq., deceased. Petitioners have now come to an agreement which cannot be perfected without an Act of Parliament, by reason of the infancy of Lydia's son, Robert. Pray leave to bring in a Bill. *Signed* by the Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 499.

(*b*) Letter from John à Court, guardian to the infant Robert, addressed to Mrs. Lydia Merefield, to be left with Will. Priddle, at the Five Bells Tavern, in the Strand. Has perused the draft agreement which her son Roger brought last Christmas, telling

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him the rest of the party had signed it. Supposes Mr. Phelips was advised in it. Is willing to sign anything towards procuring an Act. *Signed* John à Court. *Dated* Raddon, 22 Jan. [Appended to preceding.]

(*c*) 15 Feb. Draft of a saving clause substituted this day in the Select Committee for the one in Bill.

1493. Jan. 29. Clayton *v.* Clayton.—Petition and Appeal of John Clayton, executor of Dame Mary Clayton, who was executrix of Sir Jasper Clayton, deceased. Appellant's grandfather, Sir Jasper Clayton, a citizen of London, by his Will, divided his personal estate into three parts, according to the custom of the City. Out of his third part he gave his daughter Prudence a legacy of 300*l.* He made his wife, Dame Mary Clayton, his sole executrix. He died in 1660, leaving three orphans, George, Andrew, and Prudence. His executrix proved his Will and exhibited an inventory of his personal estate in the Court of the Lord Mayor or Orphans' Court of London. Prudence exhibited two Bills against her mother, the executrix, for an account of the personal estate; but, being satisfied, afterwards gave her a release of all demands except her orphanage part of her father's estate, and the executrix paid her 30*l.* a year for near 20 years. After this Prudence exhibited her Bill in Chancery against her mother either to perform a pretended promise of giving her 2,000*l.* or to come to an account *ab origine*. Lord Chancellor Nottingham, on a hearing in February 1682, decreed the latter alternative. On a re-hearing before Lord Keeper North in June 1684, it was decreed that the Master, in taking the account, should consider the inventories, &c., brought in by Dame Mary as evidence for her, but Prudence was at liberty to disprove them. Dame Mary died in 1692. The Cause was revived against Petitioner, as Dame Mary's executor. The Master made his report, and on a hearing in 1698 the present Lord Chancellor ordered that Petitioner should prove each particular payment, and referred it back to the Master to take the account accordingly. Appellant petitioned the Lord Chancellor to be reheard on this point, but got no relief. Though the account is not yet taken, Petitioner has had to pay Prudence 320*l.*, and, by an Order of December last, he is ordered to pay 100*l.* more. Appellant is aggrieved by having been ordered to prove every particular payment, made 40 years ago, before he was born, and also to pay money to Prudence before it has been shown what is due to her. Appellant believes that she has already received more than her due. Prudence moreover has carried on the suit for nearly 20 years *in formâ pauperis*, putting Dame Mary and Petitioner to great expense. If she has been overpaid, she will not be able to refund. Appeals against the Orders of 1698 and December last, and prays that Prudence Clayton may be ordered to answer. *Signed* John Clayton. *Countersigned* P. Bowes, Luke Astry. L. J., XVI. 503. [At the Hearing on 2 March *Mr. Serjt. Wright* and *Sir Barth. Shore* were heard for Appellant, and offered to refer the Cause to any two persons by order of the Court. *Sir Thomas Powys* and *Mr. Filmer* were heard for Respondent. Appeal was dismissed. MS. Min.]

Annexed:—

(*a*) 5 Feb. Answer of Prudence Clayton. Her father died worth 37,000*l.* Her mother treated her with great severity, and by the advice of relations she brought Bills against her mother which the latter, to prevent the examination of items while fresh in memory, induced her to dismiss, promising her 60*l.* a year till her marriage and 2,000*l.* as a marriage portion; but she removed

her into the country and gave her only only 30*l.* a year to 1679, when she refused to give her anything at all. The Master, on his examination, found the accounts so full of errors that on his special report proof was ordered to be given of every item, and he was directed to state what was due to her without dispute. He stated that the amount was 735*l.* 10*s.* 4*d.* and Appellant was ordered to pay her 100*l.* of this. Respondent, being kept out of her portion, has lived in extreme want for 20 years. The Orders appealed from are reasonable and just. Prays the Appeal may be dismissed with costs. *Signed* Prudence Clayton. *Countersigned* Gr. Paunceforte. *Endorsed* as brought in this day.

1494. Jan 29. Thomas' Estate Act.—Amended Draft of an Act to enable Dalby Thomas, Esq., to sell lands in Islington, in Middlesex, settled on his marriage with Dorothy, his now wife, as part of her jointure, he settling another estate of equal or greater value in lieu thereof. The amendments made in the Select Committee were purely clerical. Com. Book. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 504, 579. 12 Will. III. c. 50 in Long Cal.]

Annexed :—

(*a*) 22 Dec. 1699. Petition of Dalby Thomas, of Low Leighton, in the county of Essex, Esq. Petitioner, being entitled to 118 acres of the manor of Barnesbury *alias* Barnards Bury, in Islington, Middlesex, on his marriage with Dorothy Chettell, vested the same in John Tregonel, Thomas Chettell and Anthony Etterick to the use of himself for life, then Dorothy for life, then their sons and their heirs male. He has since obtained the fee of the rest of the manor, and finds it to the advantage of the family to sell the whole, settling 90*l.* a year out of the ground rent of houses, &c., belonging to him in fee in Stebunheath *alias* Stepney, in lieu of the said 118 acres. His wife and the trustees agree. Prays leave to bring in a Bill for the purpose. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 488.

(*b*) 19 Feb. Letter from Thomas Chettell, one of the trustees, addressed to Thomas Dore, Esq., a Member of Parliament, to be left at the Lobby of the Parliament House, London. He agrees to the Bill, by the desire and request of his sister, but cannot be in London. Transfers his trust to Major-General Erle and to any one else whom his sister shall nominate, to see the same value of land settled. *Signed* Tho. Chettell. *Dated* 12 Feb., Blandford St. Mary. [Read before the Select Committee this day. Com. Book.]

1495. Feb. 1. Wessell's Estate Act.—Amended Draft of an Act to enable Leonard Wessell, Esq., to sell the manor of Acres Fleet, in the county of Essex, settled on his marriage with Sarah, his now wife, as part of her jointure, laying out the money arising by such sale in purchase of other lands. The amendments in the Select Committee were to substitute the words, William Gibbs, for the words, his wife, in the recital enumerating the parties to the marriage settlement who were dead. Com. Book, 21 Feb. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 504, 579. 12 Will. III. c. 52 in Long Cal.]

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Annexed :—

(*a*) 17 Jan. Petition of Leonard Wessell, of Tadworth, in the county of Surrey, Esq. Abraham Wessell, Petitioner's father, was seised in fee of the manor of Acres Fleet, in Essex, which on Petitioner's marriage with Sarah Reeve, he settled on Petitioner for life, then on his wife for her jointure, then to the use of their first son and the heirs of his body, with divers remainders over. The reversion in fee was to remain to the said Abraham and his heirs. Abraham is since dead, and Petitioner, having no other estate in Essex, wishes to sell the manor and buy land in Surrey instead, to be settled to the same uses. Prays leave to bring in a Bill for that purpose. *Signed* by Petitioner. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 495.

(*b*) 21 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1496. Feb. 5. Viscountess Grandison's Estate Act.*—Amended Draft of an Act for settling the estate of Katherine [Viscountess Grandison] *FitzGerald Villiers*, and raising of money for payment of debts and better securing the portions of her five younger children by Edward FitzGerald *Villiers*, Esq., her late husband. The principal amendments in Select Committee were to substitute the words, FitzGerald Villiers, for the words, Viscountess Grandison, throughout the Bill, with the necessary consequential amendments. The other amendments were of a drafting nature. Com. Book Feb. 22, 23. The Commons' amendment was to add the saving clause for John Pargiter and others. C. J., XIII. 294. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 505, 579. 12 Will. III. c. 40 in Long Cal.]

Annexed :—

(*a*) 1 Feb. Petition of Katherine, Viscountess Grandison, and John, Viscount Grandison, her son and heir. Petitioner Katherine, daughter and heir to John FitzGerald, Esq., deceased, inherited from him several manors, lordships, castles, &c., in Ireland. After her marriage with Edward FitzGerald Villiers, Esq., deceased, eldest son and heir of George, late Viscount Grandison, Petitioner conveyed her Irish property to James, then Earl of Ossory, now Duke of Ormonde, and Francis Villiers, Esq., to the use of her husband and herself, and to the survivor of them, and then to their three sons then living, George, John, now the Viscount, and Richard, successively, and their several sons in tail male. Her husband died in 1693, leaving issue John, now Viscount, William, Mary, Katherine, Hariott, and Elizabeth, and by his Will provided portions for them pursuant to the marriage settlement. Petitioner's estate was also charged with the Dower and Thirds of Helen, Countess Dowager of Clanricarde, relict and second wife of Petitioner's father, and now wife of Thomas Bourke, Esq., of the yearly value of 905*l.* 12*s.* These charges Petitioner purchased for 4,000*l.* They yield 600*l.* a year clear, which Petitioner wishes to devote to the maintenance of the present Viscount, now sixteen years old, as there is no other provision for him during her life. She also borrowed 1,400*l.* to pay her late husband's debts. In order to pay off these borrowed sums, she was advised to bring a Writ of Error for reversing the fine, and judgment thereupon passed by

* Additions in italics, omissions in square brackets.

default. She is willing that her son John, the present Viscount, should have Lady Clanricarde's Dower during her own life and that of Lady Clanricarde. She prays leave to bring in a Bill to settle her estate as before. *Signed* K. Grandison, Grandison. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 504.

(*b*) 23 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1497. Feb. 5. Wallop's Estate Act.—Draft of an Act to enable trustees to make sale of the inheritance of the twelfth part of several manors, lands and tenements of Bluet Wallop, Esq., during his minority, and to purchase other lands with the money to be raised by such sale, to be settled to the same uses as the said twelfth part was so settled. There were no amendments. Com. Book 22 Feb. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 505, 579. 12 Will. III. c. 51 in Long Cal.]

Annexed:—

(*a*) 29 Jan. Petition of Bluet Wallop, Esq., John Wallop and Robert Wallop, infants, all under the age of 16 years, exhibited by Alicia Wallop, widow, their mother and guardian. Several manors &c. in the counties of Devon, Dorset and Somerset were settled on Petitioners' late father with remainder to his sons successively in tail male. He had a right to an undivided twelfth of some of the property, which was controverted in law, and since his death recovered in the name of Petitioner, Bluet. Petitioners are advised to vest this twelfth in trustees, to be sold, the money to be laid out in other lands to be settled to the same uses as the rest of the property, which they cannot do without an Act of Parliament. They therefore, by their mother and guardian, pray leave to bring in a Bill for that purpose. *Signed* Alicia Wallop. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 503.

1498. Feb. 7. Naturalization (Vandertyd, &c.) Act.—Petition of James Le Tresor, a Protestant, who has served the King and Government as a lieutenant for eight years, praying to be naturalized. *Signed* by Petitioner. [Read this day. *Ordered* that Petitioner be added to a Naturalization Bill. L. J., XVI. 507. This Bill was brought from the Commons on 5 Feb. Royal Assent 11 April 1700. *Ib.* 505, 578. 12 Will. III. c. 61 in Long Cal. Petitioner was added to the Bill by the Select Committee. Com. Book 10 Feb.]

Annexed:—

(*a*) 10 Feb. Certificate that Francis van der Tyd, born in the city of Rotterdam, in Holland, received the Sacrament according to the usage of the Church of England, on 21 Jan. 1699–1700 at the Parish Church of St. Peter's, Cornhill. *Signed* Will. Beveridge, Minister, James Smith, Churchwarden. *Dated* eod. die. *Attested* by John Wright, of London, merchant, and Edward Short, of London, salter. [This and the following were produced before the Select Committee this day, and proved by the persons attesting it and by Peter Vandermersch. Com. Book. Van der Tyd and Mrs. Van Der Mersch were in the Bill as sent up from the Commons.]

(*b*) 10 Feb. Certificate that Mrs. Agneta Van Der Mersch received the Sacrament in the Dutch Church, in London, frequently,

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more particularly on 31 Dec. last. *Signed* Samuel Biscop, Minister of the Dutch Church. *Dated* 24 Jan. 1699–1700. *Witness* Peter Vandermersch.

(*c*) 10 Feb. Certificate that Henry Lowman received the Sacrament, according to the usage of the Church of England, at the Church of St. Martin's, Westminster, on 4 Feb. 1699–1700. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Henry Powell and George Gunthorpe. [Produced before the Select Committee this day, and proved by the persons attesting it. Lowman added to the Bill. Com. Book.]

(*d*) 10 Feb. Certificate that James Gabriell Letresor, of St. Ann's, Westminster, received the Sacrament according to the usage of the Church of England on 21 Jan. 1699–1700, at the Parish Church of St. Anne, Westminster. *Signed* Will. Hodges, Minister, William Movett, Churchwarden. *Dated* eod. die. *Attested* by Gabriel de Hauteville, of St. Anne's, Westminster, Gent., and John Legge, of the same, Gent. [Produced this day before the Select Committee, and proved by de Hauteville. Letresor added to the Bill. Com Book.]

1499. Feb. 7. Riddell's Estate Act.—Amended Draft of an Act for settling the manor of Fenham, in the county of Northumberland, for payment of the debts of Thomas Riddell, Esq., and Edward Riddell, his son, and raising portions for the daughters of the said Thomas Riddell. The amendments in Select Committee were to substitute 8 April for 1 March as the date of the commencement of the Act. Com. Book. There were no amendments in the Commons. At the end of the Bill is a schedule of debts contracted in gaining the colliery and coal mines in Fenham, amounting to 3,920*l.* [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 507, 579. 12 Will. III. c. 48 in Long Cal. In Select Committee on 1 March *Francis Radcliffe* (sworn), said he believed the colliery now made 300*l.* a year, and that was increasing and would probably last 100 years. He believed the debt was contracted for winning the colliery. *Roger Widdrington, Esq.* (sworn), said the colliery must lie dead till the infant came of age, if the Bill did not pass. On 2 March the Bill was amended as above. *Ordered* to report the above evidence and also that no proof being made of the schedule of debts annexed to the Bill, the direction of the House should be taken therein. On 7 March, on this Report being made, the Bill was recommitted. On 11 March, evidence (*see* Annex (*d*)) was given as to the debts. Com. Book. MS. Min. L. J., XVI. 539.]

Annexed:—

(*a*) 5 Jan. Petition of Thomas Riddell, Esq., the father, and of Edward Riddell, his eldest son and heir. On Edward's marriage with Dorothy Dalton, one of the daughters of Robert Dalton, his father settled the manor of Fenham, Northumberland, in trust to pay him 300*l.* a year during his life, and his wife 200*l.* a year after his death, for her jointure, and that manor, together with the manor and castle of Swinburne and lands in Coldwell, the Wellhouses, Colt Crag and Kelly quarter were limited to the father for life, without impeachment of waste. Swinburne and the other lands, together with some collieries in Fenham, were limited to Hon. Francis Radclyffe and Wm. Lambton in trust for 99 years after the death of Thomas, to the use of Edward Riddell for life and his sons

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in tail male, with several remainders over. Out of this property, with the exception of Fenham colliery, portions to the value of 500*l.* were to be paid to Margaret, Mary and Anne, daughters of Thomas Riddell, and 50*l.* a year for life was also to be paid to Mark, Thomas and William, his younger sons, and 20*l.* a year to George, another of his sons. Each of the four sons was also to receive 10*l.* a year from the proceeds of the colliery at Fenham. Edward Riddell has issue male. Since the marriage settlement, Petitioners have incurred a debt of 3,920*l.* in winning the colliery in Fenham, thereby improving the estate by 300*l.* a year. As Edward's eldest son is an infant, Petitioners are unable to raise the money to pay off the various charges on the estate without an Act of Parliament. All parties agree to the sale of Fenham (except the colliery) for this purpose. They also agree that the rest of this property shall stand charged with 100*l.* a year apiece for Thomas Riddell and Edward's eldest son, when of age, who during his father's life has no provision under the settlement. Pray leave to bring a Bill. *Signed* by both Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 506.

(*b*) 1 March. Consent of Thomas, Edward, Mark and William Riddell, Robert Dalton, and Dorothea, Margaret, Mary and Anne Riddell, and Elizabeth Shaftoe, setting out the details of the marriage settlement and the arrangement proposed in the Bill. *Dated* 22 Nov. 1699. [Read this day before the Select Committee and proved by Thomas Aron. Com. Book.]

(*c*) 1 March. Letter from Mark and William Riddell, addressed to E. Castlehaven at his lodgings in St. James's Place, stating that their father's debts were contracted in gaining the colliery, which had been drowned some years before, and asking him to vouch their consent to the Bill. *Signed* by both. *Dated* Fenham 13 Feb. 1700. [Produced this day before the Select Committee by L. Audley. Com. Book.]

(*d*) 2 March. Paper of amendments made in Select Committee this day. Com. Book.

(*e*) 11 March. Affidavit of Jesper Hall, of Colwell, Northumberland, Gent., that for 15 years he has been managing the affairs of the Riddells, and knows that they had spent over 2,500*l.* in winning the colliery after it had been drowned with water for several years. Deponent himself raised and paid 1,400*l.* of this sum. He was present when they borrowed large sums, applied for the most part to the colliery, and the rest towards the 1,000*l.* marriage portion of Elizabeth Shaftoe, one of the daughters of Thomas. The sums at the borrowing of which he was present, which are still unpaid, are 100*l.* borrowed from William Heron, late of Birtley, now of Ninwick, Gent.; 200*l.* borrowed from Lady Charleton; 280*l.* borrowed from Robert Weare, of Williamonds Wick; 150*l.* borrowed from Thomas Teasdale, of Steelehall, Gent.; 100*l.* borrowed from Sir John Swinburn, Bart.; 400*l.* borrowed from Henry Cramlington, Esq. Deponent knows these sums are still outstanding as he has lately had to ask the creditors to await the passing of an Act of Parliament. He knows the Riddells owe other persons large sums at the borrowing of which he was not present. *Signed* Jespr. Hall. *Sworn* at Hexham on 14 Feb. before John Armestrong, Extraordinary Master in Chancery. [Produced this day before the Select Committee by Thomas Riddell, who vouched for the signature, and said he had spoken to the creditors not

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mentioned therein, who owned that the sums given in the schedule as borrowed from them were for the colliery, as they believed. Com. Book.]

1500. Feb. 8. Speidell *v.* Cornock.—Petition and Appeal of Francis Speidell, John Dann, William Bridges and Thomas Harvey. Speidell, a scrivener, in the city of London, lent to one Henry Harvey money belonging to his clients, the other Appellants Dann and Bridges, and Henry Collins, and Thomas Harvey joined in the bond given by Henry Harvey to Collins. The debt amounted to 700*l.* Henry Harvey conveyed his premises to Speidell in trust to repay the loans which the latter procured for him. Harvey then became a bankrupt, and Samuel Cornock, Edmund Ferrers and Gilbert Lacy, the assignees of the commission of bankruptcy, claimed that the conveyance was made after the bankruptcy and was in trust for Henry Harvey and his family. They obtained a Decree in the Exchequer ordering the conveyance to be cancelled, declaring that Bridges, Dann and Collins should share equally with the other creditors, and directing that Speidell should account for the rents and profits of the premises. The Court also directed an issue to be tried to show how much Harvey owed Speidell. Appeal against the Decree because the conveyance was made three weeks before the bankruptcy, at a time when Speidell had no anticipation of it, and the conveyance was in no way a fraudulent act. Harvey showed himself in his shop and upon the Exchange a good while after. Dealings would not be safe if a subsequent bankruptcy invalidated a conveyance. Pray that Cornock, Ferrers and Lacy may be ordered to answer. *Signed* Francis Speidell, S., John Dann, Wm. Bridges, Tho. Harvey. *Countersigned* Sam. Dodd, Edmd. Brydges. L. J., XVI. 509. [At the Hearing on 26 March 1700, *Mr. Dodd* and *Mr. Phipps* were heard for Appellants. *Mr. Browne*, for Respondents: There is no Decree, as set forth, in the Exchequer. We insist on this matter, that they have not appealed from the Decree, but part of it. Then the *L. Chancellor* stated the case to the House, which decided to hear the merits. *Appellants' Counsel* proceeded to prove the debts. *Respondents' Counsel* agree the Petitioners to be bond creditors: We do not agree that Speidell is a creditor. Agreed Harvey did appear publicly till 1 April. *Mr. Browne* and *Mr. Williams* heard for Respondents: This is an Appeal for delay. They aim to defeat all the bankrupt's creditors except three of Speidell's friends. Not one penny of the consideration money proved. The Appeal was dismissed. MS. Min. L. J., XVI. 560.]

Annexed:—

(*a*) 23 Feb. Joint and Several Answer of Samuel Cornock and Edmund Ferrers. The Decree is wrongly described in the Appeal, which has been brought too soon, as the trial directed has not yet been held. The conveyance was fraudulent. It was made when Harvey was known to be on the verge of bankruptcy. Speidell has never stated what the consideration for it was, and the other Appellants were unaware of its having been made, their bonds remaining still in force, and one of them had previously refused the premises as security, preferring a bond in which Harvey's brother Thomas joined. Pray for full costs. *Signed* Sam. Cornock, Edmund Ferrers. *Countersigned* Fran. Browne, Wm. Peere Williams, Saml. Baldwyn. *Endorsed* as brought in this day.

1501. Feb. 8. Bickerstaff's Estate (Petition).—Petition of Sir Charles Bickerstaff. Petitioner has endeavoured to sell his estate

for payment of his debts, but could not sell it in parcels, by reason of general incumbrances, and, because the estate lay in several counties, no one purchaser would buy the whole but at an under rate, which would not discharge the incumbrances. Therefore, to raise the value by one entire payment, he put the estate into a lottery and, at a great charge, made a considerable progress therein, but could not finish it within the time limited by the late Act. Prays, on behalf of himself, wife, children, creditors and those of the adventurers in the lottery that are desirous to continue so, for leave to bring in a Bill to sell the estate by lottery. *Signed* C. Bickerstaff. [Read this day and rejected. MS. Min. L. J., XVI. 509.]

1502. Feb. 8. Lady Bond's Estate Act.—Amended Draft of an Act for the settling all differences concerning [my Lady] *Dame Mary* Bond's Will and for performing the same. The principal amendments in the Select Committee were (1) in the Preamble, to omit Lady Bond's gold watch, shagreen case, gold chain and hook from her bequest to her goddaughter Julia Gage, (2) to add the words making the interest of the residue of the 5,893*l.* due from Sir Henry Bond, payable to Mary Charlotte Gage and Thomas Bond during their lives (Annex (*c*)), and (3) to add at the end of the Bill the account between the parties (Annex (*d*)). The rest of the amendments were merely verbal. Com. Book Feb. 26. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 509, 579. 12 Will. III. c. 37 in Long Cal.]

Annexed:—

(*a*) 5 Feb. Petition of Mary Charlotte Gage and William Gage, her husband, and Thomas Bond, Esq. Dame Mary Bond bequeathed to Julia Gage and the other daughters of her daughter the Petitioner Mary Charlotte Gage several jewels, and devised a sum of 8,000*l.* to John Harvey, Esq., to be laid out in purchasing land in England to be divided equally between her said daughter and her son the Petitioner, Thomas Bond, whose moiety was charged with 40*l.* a year payable to his son Thomas Bond for life. The jewels are useless at present to the legatees, by reason of their infancy, and Lady Bond did not leave sufficient assets to make good the 8,000*l.*, the greater part being money due to her from her son Sir Henry Bond, Bart., who by reason of his great losses and misfortunes is not able to pay the whole, but is willing, in case a quarter is abated, to give further land security for the remainder. This abatement, though for the interest of Petitioners' families, cannot be made, nor can the jewels be sold, without an Act of Parliament, because of the infancy of the children. Pray leave to bring in a Bill for the purpose. *Signed* by the three Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 506.

(*b*) 26 Feb. Paper of amendments made in Select Committee this day. Com. Book.

(*c*) 26 Feb. Paper marked + containing words added in Select Committee this day. Com. Book. This is the amendment marked (2) above.

(*d*) 26 Feb. Account stated between the parties concerned in this Act, added at the end of the Bill in Select Committee this day. Com. Book.

1503. Feb 9. Trade with Russia (Naval Stores).—Return of the Commissioners of Customs to an Order of 5 Feb., requiring them to lay before the House a true account in writing what naval stores have

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been imported from Russia. L. J., XVI. 505. The Commissioners inclose the said Account, as they received the same from the collectors of the ports of London and Hull, into which ports only they find any of the said goods imported, by the returns they have received from the several ports in pursuance of the direction they gave by a circular letter to all the ports, immediately upon the publication of the said Act to enlarge the trade to Russia. (10 & 11 Will. III.). *Signed* T. Newport, C. Godolphin, Sam. Clarke, Ben. Overton. *Dated* Custom House, London, 9 Feb. *Endorsed* as received this day. [Read in the House on 12 Feb. L. J., XVI. 514. The Order of 5 Feb. was made on motion. MS. Min.]

Annexed:—

(*a*) 9 Feb. An Account of what naval stores have been imported from the Narve, Archangel, and Rhevell, &c., in Russia, into the port of London from the 25th day of March 1699 to the 7th day of February following, viz.:—

	Cwt.	qrs.	lbs.
Tallow	488	1	19
Cordage	1,046	3	7
Rough hemp	27,847	2	17
Tarred ropes	110	2	0
Rosin	136	2	0
Hogshead staves	5	1	0
Pipe staves	6	0	0
Barrel staves	35	0	0
Cable yarn	11	3	0
Handspikes	25	3	0
Small spears	2	3	9
Middle balks	4	0	0
Small balks	2	0	6
Boom spars	11	1	22
Iron	308	3	0
Deals, ordinary	261	2	7
„ short	7	2	0
„ long	7	0	0
„ spruce	10	1	0
Clapboards	62	3	20

Pitch and Tar, 48½ last.
Great masts, 165.
Middle masts, 30.
Small masts, 19.
Wooden platters, 7 shock.
Timber, 40 load and 46 feet.
Oak plank, 31 load and 39 feet.
Rough flax, if taken for a naval store, 4,068 cwts., 3 qrs., 14 lbs.

Signed per Chr. Tower, pro Collector Inwards in the port of London.

Port of Hull and Members.

An Account of all naval stores imported into this port and members, by any persons trading to Russia.

From the 25th of March 1699 to the 24th of June 1699, viz.:— Nil.

From the 24th of June 1699 to the 29th of September 1699.

25 Aug. 1699, Samuel Silkworth, in the *Phenix*, himself master, from the Narve, 2 small masts.

26 Aug. 1699, Robert Trippet, in the same ship, 20 cwt. of cordage.

Signed Hugh Mason, Coll. pro Custom, Geo. St. Quintin, pro Comptr. [Appended to principal paper.]

(*b*) 15 Feb. Answer of the Commissioners of the Navy to Order of 12 Feb., repecting preceding paper. L. J., XVI. 514. They have perused it, and answer that all the stores, if good in their kinds, may be useful for the Navy and victualling, and that some quantities of Russia masts and deals have been bought for the service of the Navy since that time, and some tar brought over for an experiment is now upon examination. *Dated* Navy Office, 13 Feb. *Signed* Clow. Shovell, ————————, Tho. Willshaw, John Hill, Cha. Sergison, D. Lyddell, B. Tymewell. *Endorsed* as brought in this day. L. J., XVI. 516.

1504. Feb. 10. I'Anson's Estate Act.—Amended Draft of an Act for the sale of the estate of Bryan I'Anson, Esq., deceased, for payment of debts and provision for his wife and children. The principal amendments made in Select Committee were to fill in the names of the trustees, to add to the debts to be paid 600*l.* due to Basil St. Nicholas, to leave out John Essington, of London, Gent., from the persons appointed to pay the debts, and to make the receipts of the trustees a good discharge to the purchasers. The rest of the amendments were merely of a drafting nature. Com. Book 29 Feb., 1 March. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 512, 579. 12 Will. III. c. 55 in Long Cal.]

Annexed :—

(*a*) 7 Feb. Petition of Esther I'Anson, relict of Bryan I'Anson, Esq., deceased, on behalf of herself and five young children. Bryan I'Anson died very much indebted, so that interest on the mortgages will swallow up the estate unless it be sold, which cannot be done without an Act of Parliament, as Petitioner's son is only about 3 years old. Prays leave to bring in a Bill, all the infants' relations consenting thereto. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 507.

(*b*) 1 March. Paper of amendments made in Select Committee this day and on 29 Feb. and reported this day. Com. Book.

1505. Feb. 12. Naturalization (Delagarde, &c.) Act.—Amended Draft of an Act for naturalizing Isaac Delagarde, John Batero, and others. The persons included in the Draft end with Samuel Ramers; those added in the Lords' Select Committee, are Francis Du Pin to John Peter Dupuy inclusive, together with Benjamin Yeokman, appearing in the Act, and also Francis Martin, son of James Martin by Jane his wife, born at Mouliere in Languedoc in France, who was struck out by the Commons, though naturalized later by Bagneol's Act (No. **1645**). The other amendments in the Commons were to insert Armand Guinebault De la Milliere down to Anthony Dalbis inclusive between Dupuy and Yeokman. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 510, 513, 579. 12 Will. III. c. 62 in Long Cal. *See also* Com. Book 27 Feb., when the persons producing Certificates were ordered to be added to the Bill, on giving the Clerk an account of their parents' names, and of the places where they were born. Daniel de Croy [Daniel Croye in Act] then added, is there described as an infant.]

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Annexed:—

(*a*) 9 Feb. Petition of Isaac Delagarde, Samson Lavie, John Baterow [Batero in Act], and others. Some of Petitioners served during all, and others for the greater part of, the war in English regiments, but were disbanded upon the reducement of the army. Some were in Ireland, others sick, so that they were not able to attend last Session when several others of the like circumstances were naturalized. They were forced to quit their countries on account of their religion, and, being willing to serve his Majesty and this Government, pray for leave that a Bill may be brought in to naturalize them. *Signed* by the above and by J. Vareilles [John James Vareilles in Act], J. Baillergeau, and P. Joyeux. *Endorsed* as read this day. *Ordered* that Petitioners may be naturalized as desired. L. J., XVI. 510. [The Petitioners are all included in the Draft Bill. They produced before the Select Committee, on 27 Feb., Certificates of their having received the Sacrament, proved by witnesses sworn. Com. Book. For Certificates *see* Annex (*o*).]

(*b*) 15 Feb. Petition of Renatus Jordain [Jortin *alias* Jordain in Act] and Peter Breton [Creton *alias* Breton in Act]. Petitioners have served his Majesty and this Government all the late war in the sea service, and since the conclusion of the peace are out of all employment; and having left their country on account of the Protestant religion, and having families to provide for, they have no hopes of getting into any business without being naturalized. Pray to be admitted in the pending Naturalization Bill. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 516. [Petitioners added to this Bill in Select Committee. Com. Book 27 Feb. *See also* next paper. For Certificate *see* Annex (*o*).]

(*c*) Letter from Geo. Churchill to Mr. Johnson [Clerk of the Parliaments]. The bearer, Peter Breton, served his Majesty at sea during all the time of the late war and now is out of employ. He is a poor and honest fellow: recommends him to be admitted in the Bill of naturalization with those that are not able to pay the half fees. *Signed* Geo. Churchill. [*See* preceding paper.]

(*d*) 16 Feb. Petition of James Ducas, *signs* Ducasse, [Ducass in Act], Lewis Defouronce [Lovis Levesque Fouronce in Act], Samuel de Royere, *signs* Deroyere, [Deroyere in Act], and others. Recital identical with Annex (*a*). Pray to be inserted in the pending Naturalization Bill. *Signed* by the above and by Daniel Duprat, James Brassalay, Samuel Dornant, James Parrabere [Paraber in Act], John Soubiran [Soubiran Longuergine in Act], Jean Francois Meulh [John Francis Mulh in Act], Jean Preau and Jean Francois Mousset. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 517. [Petitioners were all added to this Bill in the Select Committee with the exceptions of Duprat, who was added by the Commons, and Mousset, who does not appear in any of these Naturalization Acts. Com. Book 27 Feb. For Certificates *see* Annex (*o*).]

(*e*) 16 Feb. Petition of Francis Martin. Having served the King for seven years in the wars of Ireland and Flanders in the Third Troop of Guards, prays to be inserted in the pending Naturalization Bill. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 517. [Martin was added to this Bill in the Select Committee on 27 Feb., when he produced and proved

his Certificate. Com. Book 27 Feb. His name appears with "E. Sandwich" noted against it. His name was struck out by the Commons, but he was ultimately naturalized by Bagneol's Act (No. **1645**). For Certificate *see* Annex (*o*).]

(*f*) 16 Feb. Petition of Ester Berger. Petitioner, being bred a Protestant, was forced away from France, his native country, for his religion, and at Leghorn came on board one of his Majesty's ships to the Fleet then in the Straits under the command of Admiral Russell, now Earl of Orford, where he was entertained by Col. Coote in his regiment of foot (then on board the said fleet) as a volunteer, in which regiment he served as such for above three years until it was broke, and afterwards he served in E. Macclesfield's regiment of horse until the passing of the Act for disabling foreigners to serve. He has neither a home nor friends to return to, nor trade to follow. Prays to be admitted to be naturalized. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 517. [Added to this Bill by the Select Committee. Com. Book 27 Feb. *See also* next paper. For Certificate *see* Annex (*o*).]

(*g*) Certificate of Col. Coote confirming the above Petition. *Dated* 23 Feb. *Signed* Rich. Coote.

(*h*) 21 Feb. Petition of John Cazeneufue, Peter Debat [Debatt in Act], John Lovis Gidein, *signs* John Louis Gidoin [Gidoin in Act], Peter, *signs* Petter, Peyre and others, who served all the late war in English regiment. Rest of recital as in Annex (*a*). Pray to be admitted in the pending Bill for the naturalization of several troopers. *Signed* by the above and by Peter Brochart, John Buchan [Beauchan in Act], Francois Faure, And. Peterson, Daniel Croyé [de Croy, an infant, in Com. Book], Claudius Amyand [Amiand in Act], John Peter Dupuy, Louis Laporte. *Endorsed* as read this day. *Ordered* that Petitioners be added to a Naturalization Bill. L. J., XVI. 521. [All were added to this Bill by the Select Committee, with the exception of Brochart, who was added to Ricard's Bill (No. **1510**), and Peterson, whose name does not appear to have been inserted in any of these Naturalization Acts. Com. Book 27 Feb. Against Dupuy's name in Com. Book is noted "Mr. Marget." For Certificates *see* Annex (*o*).]

(*i*) 22 Feb. Petition of John Roiffey. Petitioner has served his Majesty and this Government during the late war both by sea and land; and having been forced out of his native country upon account of the Protestant religion, and being now without hopes of getting into any employment without being naturalized, prays to be admitted in the Bill with the troopers in order to his being naturalized. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* that Petitioner be added to a pending Naturalization Bill. L. J., XVI. 524. [Added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificate *see* Annex (*o*).]

(*j*) 24 Feb. Petition of Daniel Bernard, a French Protestant, who has been here a long time with his family. Prays to be inserted in the pending Naturalization Bill. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 527. [Petitioner was added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificate *see* Annex (*o*).]

(*k*) 24 Feb. Petition of John De La Croix and Jacob Scalongue [de Scalongne in Act]. Petitioners, who are Protestants, have

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served in the Regiment lately commanded by D. Bolton, and now by Col. Columbine, for above 8 years, until the late Act for disbanding foreigners. Pray to be added to the pending Naturalization Bill. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* that Petitioners be added to a Naturalization Bill. L. J., XVI. 527. [Added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificates *see* Annex (*o*).]

(*l*) 26 Feb. The case of Lawrance D'Orville [Dorville in Act]. That he served King Charles II. as private sentinel in Dunkirk at his Restoration. That he served as volunteer under Capt. Digby in Sole Bay fight. That he served in Scotland under D. Monmouth and in the horse and foot guards in England. That he served in Ireland during the late expedition there, a conductor of 25 wagons. That he is ruined; not being naturalized, cannot recover by law his just due. Prays to be admitted into Mr. La Gaard's Bill. *Unsigned. Endorsed* Minute on Lawrance D'Orville case, to be naturalized. Read this day. [Petition read this day. MS. Min. No entry in L. J. D'Orville was added to this Bill by the Commons.]

(*m*) 26 Feb. Petition of Thomas Guenault and Jean Remy de Montigny [Montegny in Act]. Petitioners, who are French Protestants, were forced out of their native country by the severe persecution of the Protestants in France. They came into this Kingdom for refuge, where they have lived for 17 years, behaving themselves with zeal for the good of the Protestant interest and Kingdom of England. Pray to be added to the pending Naturalization Bill. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Guenault was added to this Bill by the Select Committee. Com Book 27 Feb.; Montigny to Ricard's Bill (No. 1510). For Certificate of Guenault *see* Annex (*o*).]

(*n*) 26 Feb. Petition of John Henry De Grangues [de Grange in Act] and James Vezian, poor French refugees, in the same circumstances as many other seeking to be naturalized. Are out of their country on account of their religion, and are willing to serve the King and Government, or to settle themselves to some trade or other for their livelihood. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Petitioners were added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificates *see* Annex (*o*).]

(*o*) 27 Feb. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz.:—

(1) Isaac De Lagarde,* [Delagarde in Act] on 28 Jan. 1699–1700 at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Sampson Lavie and John Baterow.

(2) John Baterow* [Batero in Act]. *Attested* by Sampson Lavie and Isaac De Lagarde. Rest as in (1).

(3) Samson Lavie.* *Attested* by Isaac De Lagarde and John Baterow. Rest as in (1).

* These persons were included in the Bill as originally brought in. The remainder were added in Select Committee on 27 Feb.

(4) Peter Joyeux.* Rest as in (3).

(5) John James Vareilles.* *Attested* by James Dayrolle and Jacob Baillergeau. Rest as in (1).

(6) Anthony Guiraud* [Guirard in Act], on 4 Feb. 1699–1700. *Attested* by John James Varelles [Vareilles] and John Louis Gidoin. Rest as in (1).

(7) Jacob Baillergeau.* *Attested* by James Dayrolle and John James Vareilles. Rest as in (1).

(8) Samson Diserote* [Diserotte in Act], on 14 Jan. 1699–1700. *Attested* by John Baterow and John Lafage. Rest as in (1).

(9) Samuel Reimers,* on 18 Feb. 1699–1700, at the High German Lutheran Church, London. *Signed* John Esdras Edzard, Minister, Peter Willcke, Clerk. *Dated* 19 Feb. *Attested* by Benjamin Geaukman and P. Ewalt.

(10) Francis Du Pin. *Attested* by Renatus Jordain and Peter Breton. Rest as in (1).

(11) Peter Breton [Creton *alias* Breton in Act]. *Attested* by Francis Du Pin and Renatus Jordain. Rest as in (1).

(12) Renatus Jordain [Jortin *alias* Jordain in Act]. *Attested* by Peter Breton and Francis Du Pin. Rest as in (1).

(13) John Legge [Legg in Act], on 21 Jan. 1699–1700 at the Parish Church of St. Anne's, Westminster. *Signed* Will. Hodges, Minister, William Mouett, Churchwarden. *Dated* eod. die. *Attested* by Gabriel de Hauteville and James Gabriel Le Tresor.

(14) John Francis Mulh, on 18 Feb. 1699–1700. *Attested* by James Parabell [Parrabere] and Mathieu Chauvin. Rest as in (1).

(15) James Du Casse [Ducass in Act], on 11 Feb. 1699–1700. *Attested* by James Gohier and Joshua Noguier. Rest as in (1).

(16) Lewis Levesque Foronce [Lovis Levesque Fouronce in Act], on 18 Feb. 1699–1700. *Attested* by Samuel Deroyere and Daniel Duprat. Rest as in (1).

(17) Samuel Deroyere, on 18 Feb. 1699–1700. *Attested* by James Parabell [Parrabere] and Daniel Duprat. Rest as in (1).

(18) James Parabel [Paraber in Act], on 18 Feb. 1699–1700. *Attested* by Daniel Duprat and Mathieu Chauvin. Rest as in (1).

(19) Matthew Chauven [Chauvin in Act], on 18 Feb. 1699–1700. *Attested* by Jeme Pandele and John Francis Mulh. Rest as in (1).

(20) Samuel Dornant, on 11 Feb. 1699–1700. *Attested* by James Brassalay and John Soubiran. Rest as in (1).

(21) James Brassalay, on 11 Feb. 1699–1700. *Attested* by Samuel Dornant and John Soubiran. Rest as in (1).

(22) John Soubiran [John Soubiran Longuergine in Act], on 11 Feb. 1699–1700. *Attested* by James Brassalay and Samuel Dornant. Rest as in (1).

(23) Peter Graniere De Fraisinet [Peter Graniere in Act], on 4 Feb. 1699–1700. *Attested* by Peter Davall and Anthoine Bieysse [Bieisse]. Rest as in (1).

* These persons were included in the Bill as originally brought in. The remainder were added in Select Committee on 27 Feb.

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(24) Francis Faure, on 18 Feb. 1699–1700. *Attested* by Peter Peyre and John Cazeneufue. Rest as in (1).

(25) Claudius Amiend, on 18 Feb. 1699–1700. *Attested* by David Calmel [Calmelz] and John Lafage. Rest as in (1).

(26) Lewis La Porte [Laporte in Act], on 25 Feb. 1699–1700. *Attested* by John Roiffey and John Peter Dupuy. Rest as in (1).

(27) John Cazeneufue, on 18 Feb. 1699–1700. *Attested* by Francois Faure and Peter Peyre. Rest as in (1).

(28) Peter Debat, [Debatt in Act]. *Attested* by Gabriel Delalande and Jacob D'Abbadie [Dabbadie]. Rest as in (1).

(29) John Lewis Gidoin, on 4 Feb. 1699–1700. *Attested* by Anthony Guiraud and John James Varelles [Vareilles]. Rest as in (1).

(30) John Roffey [Roiffey in Act], on 25 Feb. 1699–1700. *Attested* by Peter Brochart and John Peter Dupuy. Rest as in (1).

(31) Peter Peyre, on 18 Feb. 1699–1700. *Attested* by Francois Faure and John Cazeneufue. Rest as in (1).

(32) John De La Croix [Delacroix in Act], on 11 Feb. 1699–1700. *Attested* by Jacob Scalongue and Ester Berger. Rest as in (1).

(33) Jacob Scalongue [de Scalongne in Act], on 11 Feb. 1699–1700. *Attested* by Jean De La Croix and Ester Berger. Rest as in (1).

(34) Constantine De Courcy, [De Coursy in Act], on 25 Feb. 1699–1700. *Attested* by Gabriel Malbois and Peter de Combebrune. Rest as in (1).

(35) John Preau, on 18 Feb. 1699–1700. *Attested* by Mathieu Chauvin and Jean Francois Meulh [Mulh]. Rest as in (1).

(36)—

(37) Ester Berger, on 11 Feb. 1699–1700. *Attested* by Jacob Scalongne and John La Croix [De La Croix]. Rest as in (1).

(38) Thomas Guenault, on 25 Feb. 1699–1700. *Attested* by John de Remy de Montigny [De Remy] and Daniel Fleury. Rest as in (1).

(39)—

(40) Peter De Combebrune, on 25 Feb. 1699–1700. *Attested* by Gabriel Malbois and Constantin de Courcy. Rest as in (1).

(41) Gabriel Malbois, on 25 Feb. 1699–1700. *Attested* by Constantin de Courcy and Peter de Combebrune. Rest as in (1).

(42) James Vezian, on 25 Feb. 1699–1700. *Attested* by James De La Rouviere and John Henry De Grangues [Grange]. Rest as in (1).

(43) John Henry Daniel Grangues [John Henry de Grange in Act], on 25 Feb. 1699–1700. *Attested* by James Vezian and James La Rouviere. Rest as in (1).

(44) Anthony Gervais, on 25 Feb. 1699–1700. *Attested* by James La Rouviere and John Henry De Grangues [Grangue]. Rest as in (1).

(45) Daniel Bernard, on 25 Feb. 1699–1700. *Attested* by Peter Devaux and Samuel Dornant. Rest as in (1).

(46) Francis Martin, on 18 Feb. 1699–1700. *Attested* by Roger Worrall and William Hawkins. (*See* Annex (*e*)). Rest as in (1).

(47) John Peter Dupuy, on 25 Feb. 1699–1700. *Attested* by Peter Brochart and John Roffey [Roiffey]. Rest as in (1), except that the Minister of the Parish has omitted to sign his name to the Certificate.

(48) Benjamine Geaukman [Yeokman in Act], on 11 Feb. 1699–1700. *Attested* by Anthony Guiraud [Gereaud] and Pierre Chabbert. Rest as in (1).

[The above Certificates were produced and proved before the Select Committee on 27 Feb. The numbers in brackets refer to the number endorsed on each Certificate. Two Certificates, Nos. (36) and (39) are missing.]

(*p*) 27 Feb. Paper of amendments made in the Select Committee this day, being the names, parentage, and place of birth of persons added by the Lords, as described in the principal paper above. Com. Book.

1506. Feb. 12. Trade (Bullion and Wrought Silk).—Order of the House this day to the Commissioners of Customs for an account of bullion exported to India, and wrought silks imported from Italy during past three years. L. J., XVI. 513.

Annexed :—

(*a*) 15 Feb. Report of the Commissioners of the Customs, in answer to preceding. They enclose the Accounts asked for. *Signed* C. Godolphin, Walter Yonge, Sam. Clarke, T. Newport, Robt. Henley, Will. St. Quintin, Ben. Overton. *Dated* Custom House, London, 15 Feb. *Endorsed* as brought in this day. Marked (1). L. J., XVI. 516.

(*b*) 15 Feb. An account of what bullion has been exported to the East Indies within three years last past, viz. :—

Year.	Silver in Bars, Cakes, &c.	Gold in Ingots.	Pieces of 8 and other Foreign Coin.	Foreign Gold Coin.
	oz. dwt.	oz. dwt.	oz. dwt.	oz. dwt.
1696-7 -	27,533 15	1,933 12	165,666 15	2,093 11
1697-8 -	508,712 0	—	881,873 10	—
1698-9 -	173,296 5	—	2,420,777 10	—
Total -	709,542 0	1,933 12	3,468,317 15	2,093 11

	oz.	dwt.
Total Silver - - -	4,177,859	15
„ Gold - - -	4,027	3
	4,181,886	18

Extracted out of the book remaining in the Secretary's Office. *Signed* Tho. Evans, Ck. *Dated* Custom House, 15 Feb. *Endorsed* as brought in this day. Marked (2). MS. Min. L. J., XVI. 516. Enclosed in preceding.

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(*c*) 15 Feb. An account of Italian wrought silk imported from Italy from Michaelmas 1696 to Michaelmas 1699, viz.:—

	lbs.
1696–7	2,630¼
1697–8	7,026½
1698–9	9,828½
Total	19,485¼

Signed Will. Culliford, Inspr. Genl. of the Imports and Exports. *Dated* 14 Feb. *Endorsed* as brought in 15 Feb. Marked (3). MS. Min. L. J., XVI. 516. Enclosed in Annex (*b*).

1507. Feb. 13. Lane *v.* Nicoll.—Petition and Appeal of Ralph Lane and Edward Wood, of London, merchants. Petitioners had been factors at Constantinople for Richard Young, of London, merchant, and Charles Nicoll, the Plaintiff below, was then his factor at Smyrna. In 1685 Young empowered Nicoll to draw on Appellants for 3,000 dollars on his account, but as there were disputed accounts between Nicoll and Appellants, the latter refused to honour his Bills unless he joined his kinsman, William Nicoll, since deceased, in them. Notwithstanding this, he drew alone on them, and they refused to accept his Bills. Nicoll complained that he had borrowed 2,000 dollars on Young's account, and had to pay 8 months Turkish interest, amounting to 255 dollars. Subsequently Young ordered Wood alone to correspond with Nicoll, and Wood was ready to honour his drafts if drawn upon him alone, but Nicoll drew on both Appellants jointly, who again refused to accept his Bills. Nicoll came over to England in 1688, Lane in 1690, and Wood in 1698. In 1694 and 1695 the parties exhibited Bills and Cross Bills against one another, and Appellants were decreed to pay Nicoll the 3,000 dollars with 12 per cent. Turkish interest (a Master to compute the value of the Turkish dollar) and also Nicoll's costs, and the latter was to pay Young's costs, and recover them from Appellants. Appeal against this Decree as it was only through Nicoll's own default that the money had not been paid him. Pray that Nicoll and Young may be ordered to answer, and for stay of proceedings below. *Signed* Ra. Lane, Ed. Wood. *Countersigned* Tho. Dyose, Hen. Sawyer. L. J., XVI. 515. [At the Hearing on 15 March, *Mr. Serjeant Wright* and *Mr. Pooley* were heard for Appellants, and *Sir Tho. Powys*, for Respondent. He stated that the Cause was thoroughly heard in Chancery: Their business was to intricate it. They have had the money in their hands since June 1685, and their case admits they have it this day. *Mr. Northey* also heard for Respondent, and *Mr. Dobbins* for Young. Appeal dismissed. MS. Min. L. J., XVI. 549.]

Annexed:—

(*a*) 22 Feb. Answer of Charles Nicoll. William Nicoll was not his partner, but his brother's servant, and though he at first promised to join in drawing the bills, he ultimately refused, so that Respondent had to draw them alone. Appellants are not entitled to any indemnity for the 3,000 dollars, as they had the use of the money. The rate of interest decreed was the lowest rate for dollars in Turkey. The Appeal is groundless and frivolous. Prays it should be dismissed with costs. *Signed* Charles Nicoll. *Countersigned* P. Crawford. *Endorsed* as brought in this day.

(*b*) 22 Feb. Answer of Richard Young. Appellants ought to have paid Nicoll the 3,000 dollars. The Appeal is groundless and frivolous. Prays he may have his costs occasioned thereby. *Signed* Richard Young. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(*c*) 28 Feb. Petition of Appellants that the books, papers and letters belonging to the matter in question, which are in the custody of Mr. Pitts, one of the Masters in Chancery, may be produced at the Hearing on 4 March, and that Petitioners may have access to them in the meantime. *Signed* by both Appellants. *Endorsed* as read this day. L. J., XVI. 530.

1508. Feb. 13. Turner v. Gee. Petition and Appeal of Sir Edward Turner, Knt. His father Sir Edward Turner, Knt., the Chief Baron, who died in 1675, left Petitioner's daughter Sarah, then under 18 months old, a legacy of 1,000*l.* Petitioner brought her up well, spending nearly 200*l.* a year on her; but one Francis Gee, a person bred up meanly and of no estate, married her privately, without Petitioner's consent. Petitioner brought a Bill in Chancery against Gee for the 1,000*l.* legacy, which was all his daughter was entitled to, with a view to laying it out so as to prevent its being wasted by Gee. The latter and his wife brought a Bill claiming his wife's share of legacies to others of Petitioner's children who had died, and claiming also under the marriage settlement made on Petitioner's marriage with Lady Isabella, daughter of William, Earl Marischal of Scotland, as well as interest for the 1,000*l.* from the death of the Chief Baron. The L. Chancellor decreed payment of interest from Sarah's marriage, and that proposals for settling the 1,000*l.*, should be made and reported upon by a Master He reserved the questions of interest from the Chief Baron's death and of costs. After the Master's report, a further Decree was pronounced which decided the reserved points against Petitioner, who appeals against it on the ground that it made no allowance for the sums spent by him in the maintenance and education of his daughter. He prays that Gee and his wife may be ordered to answer. *Signed* E. Turnor. *Countersigned* Wm Dobyns, Tho. Filmer. L. J., XVI. 515. [At the Hearing on 13 March *Sir Barth. Shore* and *Mr. Dobbins* were heard for Appellant: We complain that interest is allowed since the death of the grandfather. *Mr Serjeant Wright*, for Respondent: This is a personal legacy payable immediately. *Sir Tho. Powys*, for the same: This legacy carries a present payment. The Decree is admitted. Appeal dismissed. MS. Min. L. J. XVI. 546.]

Annexed:—

(*a*) 23 Feb. Answer of Francis Gee, Gent., and Sarah, his wife. Decree appealed from is just. Hope that the Appeal will be dismissed with costs. *Signed* Fran. Gee, Sarah Gee. *Countersigned* T. Powys. *Endorsed* as brought in this day.

1509. Feb. 13. Poor Relief (Encouragement of Manufactures) Act. —Petition of several dealers in East India goods in behalf of themselves and many others. The trade and livelihood of Petitioners and several thousand families throughout the Kingdom depends in a great measure upon the vent of East India manufactures. The trade employs many other trades, which have their dependence thereon, and it is in many respects a profitable trade to this nation. The Bill prohibits the wear and use of all wrought silks, Bengalls and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, and all calicoes painted, dyed, printed, or stained there. The Bill, if passed,

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will ruin very many of the Petitioners, who, with the trades and employments depending thereon, are as numerous as the weavers and others who pretend to be aggrieved. Some of the Petitioners are interested in the loan upon which the right of the trade to India was granted, and others of them concerned in money lent on the fund of new impositions, whereof the duties on the said goods prohibited are a part, in both which respects Petitioners will be prejudiced in their rights if the Bill pass. Pray to be heard by Counsel against the Bill. *Signed* by Robert Brough and 309 others. Read this day. *Ordered* as prayed. L. J., XVI. 515. [The Bill was brought from the Commons on 10 Feb. L. J., XVI. 512. On 15 Feb. *Sir Tho. Powys* and *Mr. Filmer* were heard for Petitioners; Mr. Dodd and Mr. Cheshire for the Bill; Mr. Leane for the Norwich weavers. The Bill was then read 2ª. MS. Min. On 16 Feb. a Petition of retailers of East India goods (Annex (*a*)) was read and Petitioners were ordered to be heard at the Committee. L. J., XVI. 517. On 17 Feb. a Petition of merchants and others trading to Africa and the Plantations (Annex (*b*)) was read and rejected. MS. Min. No entry in L. J. Then in C. W. H., M. Halifax in the chair, *Mr. Barker* was heard for the retailers as to the time for disposing of the commodities in their hands. *John Berne* says he has 2,500*l.* of these goods. He has traded six years for himself. *John Nobbe:* I am a silk man, and deal in Indian gowns. The weavers cannot distinguish one sort from another. I cannot dispose of one quarter of my goods. *Mr. Dodd* heard for the Bill. Then the Bill was read and agreed to. MS. Min. L. J., XVI. 519. The Bill received the Royal Assent on 11 April 1700. L. J., XVI. 578. 11 Will. III. c. 10 in Fol. Ed.]

Annexed:—

(*a*) 16 Feb. Petition of retailers of East India goods. The Bill prohibits the wearing of most sorts of East India wrought goods, wherein Petitioners' trade consists, being more than 1,000 families. The time limited in the Bill for the disposal of what is in Petitioners' hands, and the manner how, for the remainder after the time prefixed in the Bill, will disenable Petitioners to dispose of their stocks to half the cost. Pray to be heard by Counsel against the clauses relating thereunto. *Signed* by John Alcom and 61 other persons. *Endorsed* as read this day. L. J., XVI. 517.

(*b*) 17 Feb. Petition of several merchants and others trading to Africa and the Plantations. In carrying on the trade to Africa to purchase gold and other commodities, and to procure negroes for the Plantations, several sorts of East India manufactures are exported. The certificate by the chief magistrate of the goods having been landed, required by clause 2 of the Bill, cannot be procured on the coast of Africa, where the trade is carried on by boats coming off from the shore with gold, elephants' teeth and negroes, and taking our commodities in exchange. In many places for several hundred miles there are no English merchants residing, nor any chief magistrate under whose seal such certificate can be procured. Pray they may be under no greater difficulties in their trade, which is so beneficial to this nation, than according to the method now practised at the Custom House, whereby Petitioners are obliged to make oath that the foreign goods they export shall not be landed again in England. *Signed* by John Browne and 38 other persons. *Endorsed* as read this day and rejected. MS. Min. No entry in L. J.

1510. Feb. 15. Naturalization (John Ricard &c.) Act.—Amended Draft of an Act for naturalizing John Ricard, Jacob Dabbadie and others. The persons included in the Draft end with Daniel Cabrol; those added by the Lords' Select Committee were Peter Brochart to John Andrew Hanckwitz inclusive together with Lewis Barber, appearing in the Act, and also John Mum, son of William Mum by Margaret, his wife, born at the Hague, in Holland, and Peter Evalt, son of Edward Evalt by Katharine, his wife, born at Hamborough (*see* Annex (*b*)), who were struck out by the Commons. Com. Book 29 Feb., 5, 7, 8 March. The Commons' amendments were to strike out Mum and Evalt, as above, and to insert John Baptist de Bellefoss down to Charles le Blanc inclusive between Hanckwitz and Barber. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 516, 579. 12 Will. III. c. 60 in Long Cal.]

Annexed:—

(*a*) 12 Feb. Petition of John Ricard, Jacob D'Abbadie, Philip Chameau, John Chapoul Lafage and others, who left their native country on account of their religion, and being some of them married with Englishwomen, and all desiring to live and die under this good government, pray leave to bring in a Bill to naturalize them. *Signed* by the above named, together with Gabriel Delalande, Bernard Delpech, Abraham Durand, Joel Gache, David Calmelz, Vincent Chabane, Peter Gongoux De — Lamarque [Peter Gougeoux *alias* la Marque in Act] and Daniel Cabrol. *Endorsed* as read this day and leave given. MS. Min. No entry in L.J. [The Petitioners are all the persons included in the Draft Bill. They produced before the Select Committee, on 29 Feb., Certificates of their having received the Sacrament, proved by witnesses sworn. Com. Book.]

(*b*) 15 Feb. Petition of Peter Chabbert, Peter Ewalt, Bennett Yeokman (*signs* Ben Geackman) and Samuel Reimers. Petitioners, who are Protestants, have served as private troopers during the late war in the English Horse, as may appear by their respective Certificates. They were disbanded pursuant to the late Act, yet being desirous to be in a better capacity to venture their lives upon all occasions for the Protestant religion and good of the Kingdom of England, pray to be added to the pending Naturalization Bill. *Signed* by the four Petitioners. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 516. [Chabbert [Chabert in Act] and Ewalt were added by the Select Committee. Com. Book 29 Feb. The latter was struck out by the Commons. Yeokman and Reimers [Ramers in Act] were included in Delagarde's Act, No. (**1505**).]

(*c*) 17 Feb. Petition of Lewis Barber. His father, who was an Englishman, went out of this Kingdom with L. Byron in the time of the Civil Wars, and settled in France, where Petitioner was born and bred a Protestant; but being persecuted for his religion he, about 12 years ago, made his escape for England, and has since spent 7 years in the King's service. He is desirous of spending the remainder of his days here, and prays to be naturalized. *Signed* Louis Barbar. *Endorsed* as read this day. *Ordered* that Petitioner be added to pending Naturalization Bill. L. J., XVI. 519. Added by the Select Committee. Com. Book 7 March.

(*d*) 20 Feb. Petition of George Michelson, *signs* Michelsen, and Christian Wegersloff. They are Protestants, born in

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Denmark, and brought over in their infancy into this Kingdom. They have lived over 17 years in London or the suburbs, and get their living by being interpreters and assistants to foreign masters of ships. They are desirous to spend the remainder of their days under this good government, and pray their names may be inserted in the pending Naturalization Bill. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Petitioners were added to the Bill by the Select Committee. Com. Book 29 Feb. They appear as Michelson and Wegerstoff in the Act.]

(*e*) 26 Feb. Petition of John Dumons and several other French refugees, who have served his present Majesty in the late war. They have served faithfully in the French regiments of Horse and Foot now disbanded, and they are ready to continue their service when occasion shall offer if naturalized. Pray to be received into the pending Naturalization Bill. *Signed* John Dumons [Du Mons le Stanguet in Bill, de Mons le Stanguet in Act], John Rabault, Seigr. [Rabault la Coudriere in Act], John Rabault, Junr., Peter Duran [Durand in Act], Steph. Monginot [Stephen Daupierre Monginot in Act], Pet. Daval [Davall in Act], Jean Petit. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [All the Petitioners were added to the Bill by the Select Committee. Com. Book 29 Feb. *See* next paper.]

(*f*) 26 Feb. Petition of Peter and Charles Davall, Claude Guiraudet and Anthony Gervais, French refugees, who have been forced to leave their country on account of their religion, and are come to seek a refuge into this Kingdom. Petitioners, being in a very desolate circumstance, pray they may be admitted into the pending Bill for naturalizing of the poor troopers. *Signed* by the above and by Piere de Combebrune, Daniel Campagne, James Courallet, Gabriel Mallbois, and Constantin de Coursy. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [The two Davalls, Guiraudet, Campagne and Courallet were added to this Bill by the Select Committee. Com. Book 29 Feb. The rest were included in Delagarde's Act (No. 1505).]

(*g*) 26 Feb. Petition of James Courallet and Daniel Campagne. They have served all the late war in English regiments, but upon the reducement of the army were disbanded. They were not able to attend the last Session of Parliament, when several others of the like circumstances were naturalized. Were forced to quit their country on account of their religion, and are willing to serve his Majesty and this government. Pray to be admitted into the pending Bill for naturalizing the poor troopers, Petitioners being under the same circumstances. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Petitioners were added by the Select Committee. Com. Book 29 Feb.]

(*h*) 1 March. Petition of William Melvin [Melvill in Act] Alexander Hamilton, Allin [Allen in Act] Jamineau, Francis Ménival and Daniel Walter Dupaisy and others. Petitioners were most of them born of English parents, and have served all the late war in English regiments, but, upon the reducement of the army, were disbanded. Being in Ireland and not able to attend at the last Session of Parliament, when others of the same circumstances were naturalized, they pray to be admitted in any

pending Naturalization Bill. *Signed* by the above-named and by Evert Jollyvet and Michael Levassor. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 532. [Petitioners were all added to this Bill by the Select Committee with the exception of Jollyvet [Jollivert in Act] and Levassor, who were included in Jacobson's Act (No. **1524**). Com. Book.]

(*i*) 4 March. Petition of John Andrew Hanckwitz, a Protestant, who has served as a private trooper in the English Horse all the time of the late war, as appears by his Certificates, but was disbanded by virtue of the late Act. He has always expressed his zeal for the Protestant interest and good of the Kingdom of England. Prays to be added to the pending Naturalization Bill. *Signed* John And. Hanckwitz. *Endorsed* as read this day. *Ordered* as desired. MS. Min. L. J., XVI. 535. [Petitioner added to this Bill by the Select Committee. Com. Book 7 March.]

(*k*[1]) 4 March. Petition of John James Reynal [Reynall in Act], Stephen Lasure, John Mauclere, *signs* as Mauclerc, and others, French refugees, forced to quit their country upon account of religion. Some of them are married to Englishwomen, by whom they have several children, and have no other place of abode, pray to be admitted into some pending Naturalization Bill. *Signed* by above-named, and by Stephen Jordan, Allin [Allen in Act] Jamineau, Flaurand D'Auteüil [Florand Mausse d'Autiuil in Bill, Florance Mausse de Autivill in Act], Abraham Maseres [Mazeres in Act], Moses Pujolas, Paul Buissiere Charles Calmel, Ramon [Raymon in Act] Rey, John Fansia Sauary [John Tansia Savary in Act], Samuel Gachess [Gaches in Act], Francis Meniuall [Menival in Act] and Peeter Pinsun. *Endorsed* John Janes' Petition. Read this day. *Ordered* as desired. L. J., XVI. 535. [All the Petitioners were added to this Bill by the Select Committee, with the exception of Pujolas and Buissiere. Com. Book March 5, 7.]

(*k*[2]) Paper stating that Ramon Rey, Charles Calmel, Abram Mazere and Peter Pinsun beg to be sworn for their naturalization, being in the Petition presented by My lord Halifax. [Appended to preceding.]

(*k*[3]) Similar paper for Stiphen la Sure and Stiphen Jorden. [Appended to (*k*[1]).]

(*l*) 5 March. Petition of Henry Manigault, a French refugee, who has lived above 9 years in England and has served the King under Mons. D'Auverquerk in Holland and Flanders. Prays he may be admitted into a pending Naturalization Bill. *Signed* Henry Manigault. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 536. [Petitioner was added to this Bill by the Select Committee. Com. Book March 7.]

(*m*) 29 Feb. / 4 April. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz.:—

(1) Guy Babault, on 10 March 1699–1700, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Peter Mesmyn and John Vanderbank.

(2) John Bazire [Basire in Act], on 24 March 1699–1700. *Attested* by Noel Cossart and Peter Osmont. Rest as in (1).

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(3) Anthony Bieisse [Bieysse], on 24 March 1699–1700. *Attested* by Jaques Cordes and James Briand. Rest as in (1).

(4) Philip de Boisdaune [Philip Boysdaune in Act], on 3 March 1699–1700. *Attested* by Andrew de Boismorel and John Dutton. Rest as in (1).

(5) James Briand, on 24 March 1699–1700. *Attested* by Jaques Cordes and Anthoine Bieysse. Rest as in (1).

(6) David Buffard, on 10 March 1699–1700. *Attested* by Charles Telles and Isaac Deprepetit. Rest as in (1).

(7) Matthew Collineau [Collenau in Act], on 17 March 1699–1700. *Attested* by Armand Guenibault [Guinibauld] and Anthony Pluet. Rest as in (1).

(8) Noel Cossart, on 24 March 1699–1700. *Attested* by John Bazire and Peter Osmont. Rest as in (1).

(9) William Daniel, on 10 March 1699-1709. *Attested* by John Villeneufve [Villeneufue] and Samuel Barbatt. Rest as in (1).

(10) Lewis De Hane [Dehane in Act], on 24 March 1699–1700. *Attested* by Peter Facquier and Ambros Godfrey Hanckwitz. Rest as in (1).

(11) Peter Godde, on 3 March 1699–1700. *Attested* by John Walker and Cirus Maigre. Rest as in (1).

(12) Ambrose Godfrey Hanckwitz, on 24 March 1699–1700. *Attested* by Louis Debane and Peter Facquier. Rest as in (1).

(13) John Lafage, on 18 Feb. 1699–1700. *Attested* by Bernard Delpech and Claudius Amyand [Amiand]. Rest as in (1).

(14) Charles Le Blanc, on 10 March 1699–1700. *Attested* by Isaac G. St. Eloy and Henry Patron. Rest as in (1).

(15) Peter Marchant [Merchant in Act], on 24 March 1699–1700. *Attested* by Solomon De Guerin and Peter Demainbray. Rest as in (1).

(16) Peter Osmont, on 24 March 1699–1700. *Attested* by Noel Cossart and John Bazire. Rest as in (1).

(17) Anthony Pluet, on 17 March 1699–1700. *Attested* by John Beaufilz and Armand Guinebald. Rest as in (1).

(18) Charles Telles, on 10 March 1699–1700. *Attested* by David Buffard and Isaac Deprepetit. Rest as in (1).

(19) John Vanderbank, on 10 March 1699–1700. *Attested* by George Babault [Bilbot] and John James Cordire [Cordier]. *Signed* also by George Kraut. Rest as in (1).

(20) John Villeneufue [Villeneufe in Act], on 10 March 1699–1700. *Attested* by Jacob Bernard [Barnard] and Samuel Barbat. Rest as in (1).

[All the above, except Lafage (13), were added by the Commons to the Bill, which they returned on 4 April. L. J., XVI. 568. Lafage was in the Bill as originally introduced in the Lords, and his Certificate was shewn to the Lords' Select Committee on 29 Feb. Com. Book.]

(*n*) 4 April 1700. Certificate that James Bogdani on 3 March 1699–1700 received the Sacrament, according to the usage of the Lutheran Church, at the German Lutheran Church in the Savoy. *Signed* Irenæus Crusius, Minister, John Titts, William Baker, Churchwardens. *Attested* by Henry Wagener and William Baker. [Added to the Bill as James Bogdaine by the Commons, who returned the Bill this day. L. J., XVI. 568.]

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(*o*) 4 April 1700. Certificate that John Baptist de Bellefosse on 10 March 1699–1700, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. James, Westminster. *Signed* James Matthews, Curate, John Riley, Reg. Tirbexit, Churchwardens. *Attested* by Joseph Rees[?] and William Barner. [Added to the Bill by the Commons.]

(*p*) 4 April 1700. Certificate that Alexander Mylne, of St. Olave, Southwark, on 24 March 1699–1700, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Peter, Cornhill. *Signed* Will. Beveridge, Minister, James Smith, Churchwarden. *Attested* by Matthias Payne and John Fudge, who, however, did not sign the Certificate. [Added to the Bill by the Commons.]

(*q*) 9 March. Paper of amendments made by the Select Committee. Reported this day. L. J., XVI. 542.

1511. Feb. 16. D. Norfolk's Divorce Act.*—Amended Draft of an Act to dissolve the Duke of Norfolk's marriage with the Lady Mary Mordant, and to enable him to marry again. The Draft ends with the clause cancelling all settlements &c. of the property of one spouse on the other. The only amendment to this Draft, besides altering the word, Knt. to Bart. after Germain, was made to this clause by the Lords on Report on 11 March. It is set out in L. J., XVI. 544. At the end of the Draft there is a mark to the effect that the proviso offered by the Duke's Counsel the same day in C. W. H. (*see* Annex (*g*)) for the payment of 10,000*l.* to the Duchess is to be added. MS. Min. There were no amendments in the Commons. [Read 1ª this day. After debate, *Moved* not to receive the Petition till proceedings in the Ecclesiastical Courts. *D. Norfolk* said he had fresh evidence since the former [trial] of the same facts. The precedents of 7 Jan. 1691–2 were read. MS. Min. L. J., XVI. 517. The Lords' Journals and the depositions of witnesses which are reported at length in Howell's State Trials, Vol. XIII. 1287–1327, are supplemented by the following entries in MS. Min.:—

On 20 Feb. Counsel were called in on the Petition of the Duchess (Annex (*b*)). *Sir Thomas Powys*, for the Duchess: This is the way to make the first resort the last. All precedents are against this Bill. *Mr. Cheshire*, for the Duchess: This ought to have gone through the Ecclesiastical Courts, 2 Jan. 1692. They read the copy of entry in the Journal. [*Mr. Cheshire*]: She remains unprosecuted in any Court whatsoever. They read the articles of agreement. 8 Article read, as to the manner the Duchess was to live for the future; to live as she shall think fit, &c., and dispose of jewels. This Bill takes away her jointure and livelihood. They read an indenture [of] 11 June. *Mr. Serjt. Wright*, for the Duke: It is said this Bill has been here before. It is true. But how she should be surprised is strange, if she lives in the same course of ad[ultery] as before. *Mr. Northey*, for the Duke: I agree the instances are not many, but there are some. *Sir Tho. Powys*, in reply: It appears they are going over again with the same matter. *Mr. Northey* also heard in reply. *Moved* to declare what evidence shall be allowed in this matter. *Proposed* to hear no witnesses but to facts after the Articles. Not new witnesses to the same facts [in evidence] before. Let the Counsel be restrained from any new evidence of the same facts as before. *Agreed* that this House will

* *See* Howell's State Trials, Vol. 13, 1283–4.

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hear no evidence to the facts formerly before the House, but will hear any evidence as to any other facts. *D. Norfolk* declares he means all new matter, never mentioned here before, except what those witnesses can say. *The Duke* names Sir John's brother and two sisters, and another witness that had money from J. [G.] to [be] absent. *Agreed and Ordered* this House will hear witnesses only to matters of fact since the rejecting of the first Bill, except only Sir John Germaine's brother, his brother-in-law, his two sisters and a witness who, as it is alleged, had money for absenting herself at the former Hearing, who are at liberty to give evidence to matters of fact before that time which were not then before the House.

On 21 Feb. the House was informed that, upon the service of the Orders of summons for the Duke of Norfolk's witnesses, that Mr. Germaine's relations are sick. *Joseph Whitley* (sworn): Mr. Bryan's servant said he was gone to Kensington. His wife was sick. I went to Kensington. I left the Order with his servant. I left one with Mr. Possette for his lady. A certificate under two physicians' hands of the illness of Mary, wife to Simon Brian [is produced]. He delivers a paper in writing of what he had done. *George Starke* (sworn): I served Wm. Baly, &c. *See* L. J., XVI. 522. *Moved* to send and examine the sick witnesses. The former oath agreed to be given now, and agreed also that no persons be admitted, but the Clerks, Counsel and witnesses. The precedent in 1691 read out of the Book. *Moved* that the Duke delivers a charge against the Duke [Duchess]. The precedents [in] E. Macclesfield's Case* in 1697 read. Counsel and witnesses called in. *Mr. Serjt. Wright*, for the Duke: The suggestion of the Bill is what we are to prove. He opens the nature of the Duke's evidence. They call *Mrs. Vanesse*. *Asked* if she knows Sir John Germaine and the Duchess of Norfolk? She says, Yes, I have known them two years. *See* L. J., XVI. 523.

On 24 Feb., on Nicholas Hoseur's information being read, a difference arose concerning the date of a paper produced by the witness, whether dated 1691 or 1692. Counsel withdrew, and, after, debate, *Ordered* that the paper be left with the Clerk and that the Books of Passes in the Secretary's office of that time be sent for, 1691 and 1692. Counsel called in again, and they proceeded to read Hoseur's information to him. Some questions; and he answered to them. Counsel withdrew. *Proposed* that nobody ask questions but the Speaker. *See* L. J., XVI. 527.

On 26 Feb., *Mr. Serjt. Wright*: We had the Order for summoning four persons which now abscond, Mr. [Sir J.] Germaine's sisters and brother and brother-in-law. *Francis Jerme* says on Shrove Tuesday he saw Dan. Germaine. *Duchess' Counsel* moved for them to declare that they have not any further new evidence. *Duke's Counsel* says they desire none but those summoned. *Duchess' Counsel* says they hope that the absence of the witnesses summoned may not be laid to her charge, nor any others that do not attend. This is such a case that never came before. The case is a suit begun nine years since. If this was in a case of 40*s.* it would not do, nor be allowed. We desire a copy of the depositions taken, and out of the names of 24 they have examined but three. I hope we are to know where the witnesses have been in this time. We desire time for copies, and where the witnesses have been since they came out of Holland. *See* L. J., XVI. 528–9.

On 4 March *Sir. Thomas Powys* heard for the Duchess: We have not had time, the Bill being brought in at the latter end of a Session.

* *See* House of Lords MSS. Vol. III. (New Series), No. 1197.

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We can produce in a week's time some very considerable evidence. Here are brought upon us two foreigners born abroad, and brought hither of late, and we [had] no time to find [out] her behaviour for 8 years last past. They are not here to be prosecuted if foresworn. I humbly move that we may use (not recrimination), but suppose a gentleman should bring women into his house, and men with them, which are the cause of the woman's doing what she may have done. This is in another Court allowable. If evidence may be given of former examinations before '91, there may be peace made since. We hope for an allowance for the time. *Mr. Cheshire* heard: (1) One charge is 8 years standing. (2) By servants. This is a new case. After several witnesses had been examined, *Proposed* to proceed to hear the other evidence. *Agreed* to proceed. Counsel were asked what witnesses they had to Nicholas Hoseur? *Answer.* Five we have particularly to him, and some others. The Counsel were told that the House expects they would not ask anything that was not material. After Wm. White's evidence, *Wm. Godfry*, sworn, was heard concerning L'Estrange.* *See* L. J., XVI. 535.

On 5 March *Matthew MacDonnell* was examined concerning the service of [on] Mr. L'Estrange to attend: I went to Mrs. L'Estrange's on Friday night, and told her I had an Order to serve Mr. L'Estrange. His wife told me he was gone to Holland. *MacDonnell* says he went to the House, and my Lord Howard was there and went in. I followed him, and then Mrs. L'Estrange said he was gone to Holland.† After Elianor Monfort's deposition was signed, the *Duchess' Counsel* say they have gone far in examining so many in so short a time: We have witnesses to show that Nicholas [Hoseur] has been in town 4 or 5 months, though he has sworn but 6 weeks; and we desire that Hoseur may be here with others. *Proposed* to call Nicholas in amongst others, and see if they know him. *John Robinson* (sworn): About 4 months since I was in company with one that was Sir John Germaine's servant. *Asked* if he knows him? He has liberty to look among the company. *Says* that Nicholas was not the man. *John Mackines* says he was in company with one Cornish. I do not know Nicholas. We must resort to the servants of the Duke of Norfolk. After the articles of the agreements between the Duke and Duchess had been read, the *Duke of Norfolk* was heard as to the articles: She has her jewels and money, and an estate that comes after E. Peterborough's death, and I am 10,000*l.* the worse for it. *Francis Negus* (sworn): Lady Duchess said as to living separate, the Duke would have other counsel, thinking that the Duke would confine her. She declared she would avoid all company for the future, if the Duke thought it convenient, and that she said, if she died before the Duke, she would leave him her estate. I acquainted the Duke with part of this or all. The Duke never sent any message back by me. *Ordered* that to-morrow at 12 o'clock this House will proceed to read what is taken in shorthand, and that then this House will hear the Counsel on either side to sum up the evidence; and all the Lords summoned to attend. *See* L. J., XVI. 537.

On 6 March the examinations taken yesterday were read to the persons at the Bar, until they came to Mr. Negus's evidence, upon which *E. Peterborough* was heard, and *D. Norfolk* also. *Negus* was heard to explain himself. After the depositions had all been read, *D. Norfolk* waived the testimony of one witness who was called to

* There is no deposition of Godfry, but *see* his evidence in L. J., XVI. 537, on following day.

† *See* Howell's State Trials XIII., 1323.

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On 8 March, the examinations being read, the *Duke's Counsel* opened their evidence for the Duke (the Lords turning to the Bar, and the Speaker came to the Table) and summed up their evidence. *Mr. Northey* also heard for Duke to sum up evidence. *Sir Thomas Powys* heard [to] sum up evidence for Duchess: It is [to] dissolve a marriage of 23 years standing. *Mr. Dodd* heard also for Duchess. *Sir Tho. Pinfold* offered to speak, but was refused. *Duke's Counsel* heard in reply for Duke. *Mr. Northey* heard in reply. After the Order as to Proxies, *Moved* to read the Bill. *Moved* to adjourn debate till to-morrow. *On Question?* Contents 38, Not Contents 45: Tellers, E. Peterborough, E. Feversham. Then the House proceeded to debate this business. It was proposed to consider two things. (1) Whether this matter be proved? (2) Whether this be a proper remedy. A debate about examinations not agreeing. Vanesse's cross-examination read. Part of [the evidence of] Nicholas Hoseur read. After debate upon Vanesse's and Hoseur's evidence whether contradictory or not, and after long debate upon the whole matter, *Proposed* to read the Bill. *On Question?* Second Reading carried. Contents 47, Not Contents 30: Tellers, E. Peterborough, L. Jeffreys. *See* L. J., XVI. 540.

On 9 March, in C.W.H., L. Herbert in the Chair, the Order on the Duchess' Petition of previous day, that she should be heard by Counsel, read. The *Duchess' Counsel* opened the Duchess' Petition: The marriage settlement is in Mr. Johnson's hands, and he is not [to] deliver it without consent of each party. *Ordered* that Mr. Johnson, Clerk of the Parliaments, do fetch the marriage settlement in his hands. *Duchess' Counsel* says he has seen nothing of the deeds. *D. Norfolk* is heard. Says he will agree to the articles, except as to the jointure. Counsel withdrew. *Proposed* to declare that the Lady Duchess shall have her portion. After debate, *Proposed* to set aside the articles in '94. *Proposed* that, until the 10,000*l.* be paid she shall enjoy as widow to the Duchess [Duke]. *Proposed* that Counsel be called in and ordered to draw a clause to secure the Lady Duchess' portion to her, and bring it on Monday next. *Agreed.* Counsel were called in and told that the Committee had come to the Resolution following: That the Lady Duchess shall be repaid the portion which the Duke of Norfolk received by the day of , and in default of such payment, or sufficient security for it, she shall be entitled, upon the Duke's death, to such jointure and other advantages as she might have had or claimed in case no Bill of Divorce had passed; and that, from and after the payment of the said portion, the Lady Duchess shall not claim or demand anything of any kind by virtue of the marriage articles or settlement, or any other articles of agreement, and that this clause be prepared against Monday next, and presented to the Committee at 12 o'clock. The House was resumed. *See* L. J., XVI. 543.

On 11 March the House was again in Committee, L. Herbert in the Chair. The *Duke's Counsel* acquainted the House they had prepared a clause, and the Duchess' Counsel had not seen it, nor had any instruction so to do. *Duchess' Counsel* says that one came to him to meet. He said he had no such order: I saw the Duchess

yesterday, and we thought, considering the contingencies, the clause would not consent [satisfy us]. Duchess said she hoped this answer would not be disrespectful to the House in her not consenting. *Duke's Counsel* offer a clause, and they read it at the Bar. *Duchess' Counsel* says he has no authority to enter into this, for a proviso was offered also by the Duke's Counsel. *Duchess' Counsel* say they have no part of the marriage settlement or copy of it; that the Duchess told him that the E. Peterborough paid the D. Norfolk 1,000*l.* per annum for 20 years. *Mr. Negus* heard as to the 1,000*l.* per annum paid to the E. Peterborough. The blank in the clause agreed to be filled up with the date 1701. The Committee of opinion that no Privilege against the Duchess as to the 500*l.* per annum. *D. Norfolk* declares he will not insist on Privilege against the Duchess in this case. Then the title and preamble were postponed. The first three enacting clauses were agreed to. The proviso offered by the Duke's Counsel was read and, after amendments made in it, was agreed to. The word, Bart. was substituted for Knt. in the preamble. The preamble and the title were agreed to. Then the Bill was reported. It was amended on Report. *See* L. J., XVI. 544. The Bill received the Royal Assent on 11 April 1700. L. J., XVI. 578. 12 Will. III. c. 26 in Long Cal.]

Annexed:—

(*a*) 15 Feb. Petition of Henry, Duke of Norfolk. Petitioner having certain proof of his wife's living in adultery with Sir John Germaine, Knt., has great occasion for leave to bring in a Bill to dissolve the marriage between him and his said wife, and that he may have liberty to marry again. Prays leave to bring in a Bill for that purpose. *Signed* Norfolke, E. M. *Endorsed* as read this day. L. J., XVI. 516–7.

(*b*) 17 Feb. Petition of Mary, Duchess of Norfolk. Petitioner having, by direction of the House, received a copy of the Bill, has reason to be very much surprised that any such Bill should be brought before their Lordships, and having several things to offer to their Lordships' consideration, which she doubts not will prevail with them not to proceed farther in the said Bill, she prays to be heard by Counsel against the Bill before any further proceedings thereupon. *Signed* M. Norfolke. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 519.

(*c*) 21 Feb. Form of oath administed to the witnesses in 1691. L. J., XV. 46. The form was adopted this day with the addition of the words, in the Bill, and the word, Sir, before the words, John Germain. L. J., XVI. 523. *In extenso.*

(*d*) 22 Feb. Paper containing first and second drafts of oath taken by the two interpreters this day. L. J., XVI. 524. *In extenso.* This paper also contains the names of Ellin Vanesse, Cornelius Vandike and Bernard Mandevile as having been sworn.

(*e*) $\frac{22\text{ Feb.}}{8\text{ March}}$ Depositions of witnesses examined between these dates. *Endorsed* as read by the Clerk in the House on 8 March, the Counsel at the Bar, and door open, and the Lords in their places. L. J., XVI. 524–540. These depositions* are by the following persons, who sign them:—

(e^1) 22 Feb. Elianor Vaness (by her mark). *Marked* (1).
(e^2) 22 Feb. Nicholas Hauseur. *Marked* (2).
(e^3) 24 Feb. Wm. Bayly. *Marked* (3)
(e^4) 4 March. Thomas Hawkesworth. *Marked* (4).

* These depositions are all printed *verbatim* in Howell's State Trials, Vol. XIII. pp. 1287–1327.

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(e^5) 4 March Jonas Peacock. *Marked* (5).
(e^6) 4 March. Frances Knight (by her mark). *Marked* (6).
(e^7) 4 March. William White. *Marked* (7).
(e^8) 4 March. Mathew Macdonnell (by his mark). *Marked* (8).
(e^9) 4 March. Robt. Welborne. *Marked* (9).
(e^{10}) 4 March. Elianor Momfort (by her mark). *Marked* (10).
(e^{11}) 5 March. Mathew Macdonnell (by his mark). *Marked* (11).
(e^{12}) 5 March. Rich. May. *Marked* (12).
(e^{13}) 5 March. Christopher Raine. *Marked* (13).
(e^{14}) 5 March. Edward Cotter. *Marked* (14).
(e^{15}) 5 March. Francis Huddlestone (by his mark). *Marked* (15).
(e^{16}) 5 March. Francis Negus. *Marked* (17).
(e^{17}) 5 March. William Allen (by his mark). *Marked* (16).

(*f*) 8 March. Petition of Mary, Duchess of Norfolk. She is informed that by the Bill not only her jointure and marriage agreements are to be set aside, but also such interests as were created and secured to her by the Duke's articles in 1694 (whereof the Duke on his part has received the benefit) will be revoked and utterly destroyed. Prays to be heard by her Counsel touching the said several claims and interests, and against several clauses in the Bill before any proceedings shall be at the Committee. *Signed* M. Norfolke. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 541.

(*g*) 11 March. Amended proviso offered by the Duke's Counsel this day, pursuant to Order of 9 March, and added to the Bill this day in Committee, providing for the payment of 10,000*l.* to the Duchess. The amendments were merely verbal. MS. Min.

1512. Feb. 16. East India Company's Act.—Petition of the English Company trading to the East Indies. Petitioners are informed that a Bill is brought up from the Commons to continue the Governor and Company of Merchants of London, trading into the East Indies, a Corporation. The Bill is contrary to the meaning and intent of 9 Will. III. c. 44, and prejudicial to the rights of Petitioners, granted them by the said Act. Pray to be heard by Counsel at the Bar. *Signed*, by Order of the Court of Directors of the English Company, John Gardner, Secr. L. J., XVI. 518. [The Bill was brought from the Commons on 13 Feb. L. J., XVI. 515. Counsel were heard on the above Petition on 19 Feb. *Mr. Serjt. Wright*, for Petitioners: I am for 1,400 families on an Act of Parliament for raising two millions. The King has authority to establish two companies, or more, if he please. *Mr. Dodd* heard also for Petitioners: The Old Company would confound the words of the Act of Parliament. We have offered to take them in almost at any rate, I think, to a fourth of the trade. We are willing to accommodate, and are ready presently to enter, or, if your Lordships please, to interpose in it. *Sir Tho. Powys*, for the Bill: We hope it will pass here, it being so just a Bill. They aim at the utter extirpation of the Old. All they have said is fallacy. They say we would overthrow that Company. No, we desire only to be in the same station we are or were. I will show how necessary it is to continue this company. It was begun in [the reign of] Queen Elizabeth. It was founded upon the best grounds. [In] 13 Car. II. [there] came a Charter to confirm and give them new privileges.

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No. 1512.

They have purchased several ports at great sums of money. They have many privileges and grants from several Indian princes, and when they are dissolved they are lost. *Mr. Northey*, heard for the Old Company: We only desire that the Privy Seal may be set aside. They lay it down that there should be but one Joint Stock. That is a jest to the words of the Act. The words of the Act are plain and full, for all corporations to subscribe. We desire we may be left in the same condition we were when the Act passed for incorporating them. *Thomas Woolley*, sworn, says he saw Mr. Secretary Vernon at the East India House. *Mr. Serjt. Wright* and *Mr. Dodd* heard in reply. *Agreed* to examine Towshend when he comes. The Bill was then read 2ª. MS. Min. L. J., XVI. 520.

On 23 Feb, on the Order of the Day for the House to be put into Committee being read, a proposal from the New Company (Annex (*a*) was offered and read. *Proposed* that the Old Company have notice of Proposal. *Proposed* to adjourn during pleasure. *On Question? Resolved* in the affirmative. Contents 54, Not Contents 45: Tellers, L. Lawarr, L. Wharton. House in Committee, M. Halifax in the Chair. The Bill was read through. *Proposed* to ask the Judges whether anything in this Act does repeal any part of the former Act granted to the New East India Company, or alter, change, or take from them any of their liberties, privileges, immunities, and benefit granted to them by the said Act, except continuing the Old Company a corporation. Then the title and preamble postponed. The enacting clause read. *Proposed* to ask the Judges upon this clause the former question. *L.C.J. of Common Pleas:* This wants time to measure it with all the clauses in the old Act. *Powell, J.:* It will want time. *Mr. Attorney-General:* I cannot undertake to say more than the Judges. I do not remember anything that continuing them does any more than incorporate them. It continues them that corporation as they were when the other Act passed. *Question* whether this Act does more than incorporate by the words? *L. C. Justice* heard on the clause in the Bill: The words do not seem to make any alteration. *Powell, J.:* This was a corporation when that Act passed. They were determinable. This only continues them a corporation. *Proposed* that some words be added to the clause in the Act. Sk. 2, l. 14, after the word, aforesaid, add these words, subject nevertheless to the conditions mentioned in the Act aforesaid to be performed by all the subscribers to the 2,000,000*l.* by virtue of the said Act. *On Question:* Whether these words should be inserted? *Resolved* in the negative. Clause agreed to without amendment. Proviso offered to be added to the Bill, and read, viz.:—Provided always that this Act or anything therein contained shall [not] extend or be construed to extend to give the said Governor and Company any other or greater benefits or advantages than any other Body Corporate originally subscribing to the said 2,000,000*l.* might or ought to have had, claimed or enjoyed, by virtue of the aforerecited Act, anything before herein contained to the contrary in anywise notwithstanding. *On Question:* Whether this clause shall be made part of the Bill? *Resolved* in the negative. Preamble and title read and agreed. Bill reported without amendment and read 3ª and passed, several lords protesting.* *Moved* to appoint a Committee to examine the granting the Privy Seal against the Old Company. MS. Min. 23 Feb. L. J., XVI. 525. The Bill received the Royal Assent on 11 April 1700. L. J., XVI. 578. 12 Will. III. c. 28 in Long Cal.]

* Several Peers protested against the Second Reading of the Bill. *See* Protests of the Lords, edited by J. E. Thorold Rogers, Vol. I., p. 137.

1699-1700. — No. 1512.

Annexed :—

(*a*) 23 Feb. Proposal of the New East India Company. The English Company trading to the East Indies, seriously reflecting upon the damage which both Companies will suffer in their trade thither, if the Old Company, by passing the Bill depending, shall be continued a corporation, each Company exercising that trade with a like name to the same places in a joint stock; together with the frequent animosities and contentions which will naturally arise and be kept up in India and England on account of their said trade. And being also sensible of the dishonour which will thereby accrue to the English nation in foreign parts, they are desirous to prevent the said mischiefs by an union with the Old Company. And as the New Company in a treaty with the Old Company offered what they judged reasonable, they do now again more solemnly propose before your Lordships: (1) That the New Company are willing to admit the 315,000*l.* subscribed by Mr. John Du Boys, being about one sixth part of the two millions, into their joint stock, as effectually to all intents and purposes, as if it had been originally subscribed into the same, and if the Old Company desire to have a larger share of the fund and trade, the New Company will allow them such further part of both as your Lordships shall judge reasonable. (2) As to the Old Company's dead stock we humbly beg leave to represent to your Lordships that the said Old Company gave not above 24,000*l.* to their predecessors for their dead stock, as we are informed; and though we esteem the forts and castles of little use, especially now so great a part of the trade will be prohibited, yet to demonstrate our readiness and sincerity to avoid the above-mentioned evils, we are content their dead stock should be valued at one hundred and fifty thousand pounds. And if, upon examination, it shall appear to your Lordships we have not even exceeded the true value, we humbly submit the determination to your Lordships. Signed by order of the General Court of the said English Company. *Signed* John Gardner, Secretary. *Endorsed* as offered this day. L. J., XVI. 525.

(*b*) 23 Feb. First amendment proposed and rejected this day in C. W. H. MS. Min.

(*c*) 23 Feb. Proviso proposed and rejected this day in C. W. H. MS. Min.

1513. Feb. 16. Union with Scotland (Commissioners) Bill.—Amended Draft of an Act authorising certain Commissioners of the Realm of England to treat with Commissioners of Scotland for the weal of both Kingdoms. Whereas some Acts of Parliament formerly made in order to the procuring a nearer and more complete Union between the two Kingdoms of England and Scotland have not had the effect that was designed by them, and to the end that such a further Union may be treated and agreed upon as may complete and confirm for ever a constant mutual love and friendship between the subjects of both realms; Be it enacted, &c. The rest is almost the same as the enacting part of the Act 22 Car. II. c. 9 Fol. Ed. with the substitution of the word, clauses, for the word, causes, in line 16 of that Act (cf. 1 Anne c. 8). The only amendment, made in C.W.H., was to leave out the words, doings and proceedings therein, in line 19, and to insert the words, proceedings thereupon. MS. Min. [Read 1ª this day. L. J., XVI. 518. On 10 Feb., during the debate on the Darien Scheme, the

House was moved to appoint a time to take into consideration an Union between Scotland and England. MS. Min. L. J., XVI. 512. On 12 Feb. the King, in his answer to the Address about the Darien Scheme, recommended the matter of the Union to the consideration of the House, and referred to his Speech on the subject in opening the Session of 1689–90. L. J., XVI. 514. On 13 Feb., after the King's signed answer to the Address about Darien had been read, the House was moved to take into consideration the Union between England and Scotland, pursuant to Order of 10 Feb. The Act 22 Car. II. read. *Moved* that the Judges be directed to prepare and bring in a Bill. Then a Select Committee was appointed for that purpose. MS. Min. L. J., XVI. 515. On 15 Feb., at the Select Committee, L. Privy Seal, Chairman, the preamble of the Statute 22 Car. II. c. 9 was read. Then the preamble of a Bill to be tendered to the House was read, and afterwards the enacting part. *Ordered* that the House be moved to know whether in the Bill for an Union to be drawn, the names of the Commissioners shall be left to the King, or they shall be inserted in the body of the Bill. Com. Book. On 16 Feb. the Select Committee read the title and preamble of a Draft of a Bill for an Union, as also the enacting part, and agreed to report it. Com. Book. The Bill was reported accordingly, and read 1ª. On 22 Feb. in Committee, the amendment noted above was made, and L. Herbert reported the Bill with one amendment, which was agreed to. MS. Min. L. J., XVI. 524. On 24 Feb. the Select Committee appointed to consider what should be offered at the Conference in delivering the Bill to the Commons, L. Godolphin, Chairman, read a paper of precedents produced by the Clerk, who was ordered to search further and give the Committee an account of what he shall find. Com. Book. On 26 Feb. the Clerk produced to the Select Committee a paper of precedents, which was read. *Ordered* to report them, with the opinion that the Committee find no precedent of Bills being communicated at Conferences, but they find Bills specially recommended. Com. Book. On 28 Feb. these precedents were reported and the Bill was sent down to the Commons by two Judges with a special recommendation as a Bill of great consequence. L. J., XVI. 530. The Bill was thrown out in the Commons on the Second Reading. C. J., XIII. 267. There were no further proceedings in the Lords on the subject until 12 June 1701]. 1699–1700 — No. 1513.

Annexed:—

(*a*) Copy of preceding, as amended.

1514. Feb. 23. French Protestant Church (London) Act.—Amended Draft of an Act for confirming of a lease of a piece of ground from the Rector and Churchwardens of the parish of St. Martin's Orgars, London, for liberty to build a church thereon for the worship and service of God in the French tongue, according to the usage of the Church of England. The principal amendments made in Select Committee were (1) To add the concluding words of the preamble, beginning at the words, and forasmuch as with regard to certain adjacent buildings, and (2) To add a clause providing for the renewal of the lease. The other amendments were merely of a drafting nature. Com. Book. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 11 April 1700. L. J., XVI. 526, 579. 12 Will. III. c. 54 in Long Cal. On 1 March the Select Committee, appointed to consider the Bill, met and ordered certain witnesses to attend and be sworn at the Bar in order to their being examined. Com. Book On 5 March a Petition of Sir Edward Wills and others (Annex (*b*))

1699–1700. — No. 1514.

to be heard against the Bill was read and referred to the Select Committee. L. J., XVI. 536. On 6 March, at the Select Committee, the said Petition was read. *Mr. Serjt. Wright*, for the Petitioners: The building this church takes away the right of Sir Ed. Wills and also the right of the parish in burials. This Bill takes no care that the poor shall be buried in the church at the rate they were before buried in the church. This church will obstruct the lights of the houses that adjoin to the churchyard. This lease was made in a vestry where the parish had no notice of the intention of the parson and churchwardens to make such lease. *Mr. Northey*, for the Bill: The right of burial is reserved to the parish. In most of the houses there were no lights before the Fire. We are content the church should be built upon the old foundation, and then there can be no cause of complaint. We admit there were lights in Mr. Grace's house before the Fire. The amendments were made on 12 March. Com. Book March 6, 12.]

Annexed:—

(*a*) 21 Feb. Petition of Michael De Caux, Thomas Bureau, Philip Margas, trustees for the French Protestant refugees' Church on College Hill, for and on behalf of the said church. Petitioners had liberty by Letters Patent from the late King James to erect a church and congregate themselves for the worship and service of God by the Common Prayer and other rites and ceremonies of the Church of England, conformable to such rules and orders as should be settled by the then Archbishop of Canterbury, and they did so upon College Hill, and accordingly have enjoyed the said liberty many years. Their place aforesaid being not so convenient for them, they have taken a lease of a piece of ground from the Rector and Churchwardens of the parish of St. Martin's Orgars, in the city of London, by the consent of the said parish (where their church formerly stood and was taken away by the Act for building the city) with an agreement for building a church there for the purposes aforesaid, still reserving to the parish their liberty of burial in the church and churchyard. Inasmuch as the lease must be confirmed by Parliament, Petitioners pray leave to bring in a Bill for that purpose. *Signed* by the three Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 522.

(*b*) 5 March. Petition of Sir Edward Wills, Knt., Edward Grace, Pieter Van der Mersch, Wm. Tatnall, James Williams, and Alexander Roode, in behalf of themselves and several other inhabitants of the parish of Saint Martin's Orgars, London. In the Bill there is a clause that enacts that the lease shall be taken to be a good and effectual lease in law from and to the persons and to the uses, intents and purposes therein expressed according to the true intent and meaning thereof, as if the persons by and to whom the same was made had sufficient power, right, and title to make and take the same. Petitioners conceive the lease to be contrary to several Acts of Parliament and very prejudicial to Petitioners, and they pray to be heard by Counsel against the clause. *Signed* by the Petitioners. *Endorsed* as read this day. Ordered as prayed. L. J., XVI. 536.

(*c*) 12 March. Paper of amendments made in Select Committee this day. Com. Book.

(*d*) 12 March. Paper containing a drafting amendment made this day, appended to preceding.

1699–1700. — No. 1515.

1515. Feb. 26. Naturalization (Bourges, &c.) Act.—Petition of John Mum, who is a Protestant, having lived in this Kingdom upwards of 10 years, during which time he has always expressed his zeal to the Protestant religion. Prays to be inserted in the pending Naturalization Bill. *Signed* by Petitioner. [Read this day. *Ordered* as desired. MS. Min. No entry in L. J. Mum was originally in Ricard's Bill (No. 1510) as introduced in the Lords. His name was struck out of the Bill in the Commons. His name was introduced in this Bill by the Select Committee. Com. Book 27 March. This Bill was brought from the Commons on 23 March. Royal Assent 11 April 1700. L. J., XVI. 557, 579. 12 Will. III. c. 59 in Long Cal. *See also* Com. Book 27 March where Sarah Gouge is described as an infant of nine years.]

Annexed :—

(*a*) 27 March 1700. Certificates that the following persons received the Sacrament according to the usage of the Church of England, viz. :—

(1) John Bourges, on 11 Feb. 1699–1700, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Abraham Meure and James Gaultier.

(2) Peter Bonnin [Bonning in Act]. *Attested* by John Louis Loubier and Isaac Bardeau. Rest as in (1).

(3) Peter Combauld. *Attested* by Claude Jamineau and James Gaultier [Gautier]. Rest as in (1).

(4) Claude Jamineau. *Attested* by James Gaultier and Peter Combauld [Combaud]. Rest as in (1).

(5) James Gautier. *Attested* by Claude Jamineau and Peter Combauld. Rest as in (1).

(10) Stephen Buscarlet [Buscalet in Act]. *Attested* by Daniel Pelletreau and Peter Combauld.

(11) John Noguier. *Attested* by James Gohier and Joshua Noguier. Rest as in (1).

(12) Josuah Noguier. *Attested* by John Noguier and James Ducasse [Du Casse]. Rest as in (1).

(13) John Lewis Loubier. *Attested* by Andrew Richier and Izaac Bardeau. Rest as in (1).

(14) Izaac Bardeau. *Attested* by Andrew Richiere and Jean Louis Loubier. Rest as in (1).

(22) Lewis Quoitten, on 3 March 1699–1700. *Attested* by John Walker and Cirus Maigre. Rest as in (1).

(23) James Gohier. *Attested* by John Gohier and Joshua Noguier. Rest as in (1).

(24) John Bouyer [Boyer in Act] on 10 March 1699–1700. *Attested* by Jeremiah Crowther and William Hawkins. Rest as in (1).

[Produced before the Select Committee this day. Com. Book. The numbers in brackets refer to the number endorsed on each certificate.]

(*b*) Certificates that the following persons received the Sacrament, according to the usage of the Protestant Church, viz. :—

(6) John William Lutkens, from Hamburg, on 3 March 1699–1700, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* 11 March. *Attested* by Peter Willcke, Clerk, and Johan Philip Schlachman.

(7) (8) (9) John Daniel Treiber, from Landau, Henry von Som, from Hamburg, and Balthasar Jungen, from Moscow, on 11 Feb. 1699–1700, Rest as in (6).

1699–1700. — No. 1515.

(18) (19) Paul Hensch, from Hamburg, John Smith, from Itzchon, in Holstein, on 11 Feb. 1699–1700. Rest as in (6). [Produced before the Select Committee this day. Com. Book. These persons were all in the Bill as brought from the Commons, and were naturalized by this Act. The numbers in brackets refer to the number or numbers endorsed on each Certificate.]

(*c*) 27 March 1700. (15) (16) (17) (21) Certificate that Gosuinus van Hoogstraten, Rowland Rowlansond [Rowlandson in Act], William Rotshouk, and Christopher Greenwood received the Sacrament according to the usage of the Church of England at St. Peter's, Cornhill. *Signed* Will. Beveridge. Minister, James Smith, Churchwarden. *Dated* eod. die. *Attested* by John Gentrey, of St. Peter's, Cornhill, who certifies that he saw the above four persons together with Gerard van Raasveld receive the Sacrament. This Certificate was signed also by Hoogstraten and Greenwood. [Produced before the Select Committee this day. Com. Book. These persons were all in the Bill as brought from the Commons, and were naturalized by this Act.]

(*d*) 27 March 1700. (20) Certificate that John Strachon [Strachen in Act], born at Stockholm, of Scotch parents, aged 26 years, and now of London, merchant, is a true member of the High German Protestant Congregation at the Savoy, which he has confirmed by communicating with it. *Signed* J. J. Cæsar, Minister. *Dated* 18 Feb. 1699–1700. *Attested* by William Paulli and Frantz Claus, Elders. [Produced before the Select Committee this day. Com. Book. Strachon was in the Bill as it came from the Commons, and was naturalized by this Act.]

1516. Feb. 28. Williams *v.* Williams.*—Petition and Appeal of John Williams of Cumdee, county of Brecon, Esq., administrator of William Williams, late of Cumdee, Gent. Petitioner's father, John Williams, left to his second son William lands in Cumdee and Crickhowell, worth 24*l.* a year, and to his third son Henry, a mercer, lands in Langeny, worth about 100*l.* a year. The brothers agreed that William should sell his inheritance to Henry for 300*l.*, the latter mortgaging Langeny as security for payment thereof. Articles were drawn up, one part being entirely written by one Thomas Richards and sealed by William, and the other, which was copied by Henry for the most part and only finished by Richards, was sealed by Henry. After Henry's death, his widow Katherine paid one half year of the interest, and then quitted possession of the purchased premises; whereupon William exhibited a Bill in Chancery against Katherine and her infant daughter Elizabeth for the purchase money and interest, which Mr. Pitt, a Master of the Court, reported at 564*l.*, or foreclosure. Henry's widow and daughter exhibited a Cross Bill to set aside the purchase. In the course of the hearing the articles sealed by William were produced, and showed what Petitioner maintains was an interlineation after Henry's death to the effect that William should enter into a general warranty against all persons; but in two trials at law at Hereford the jury found that it was written at the same time as the rest, though Mr. Justice Rokeby declared he did not believe the evidence. On the strength of these verdicts a Decree was pronounced annulling the purchase and cancelling the mortgage, Elizabeth having to reconvey the premises

* See *Colles's Reports*, p. 102.

within six months after coming of age, or to show cause to the contrary, William accounting for interest and Katherine for profits received. Petitioner, elder brother of William, to whom the latter had transferred his mortgage for 300*l.*, appeals against this Decree, as being contrary to the proofs, and prays a determination in accordance with the proofs, or that he may have a new trial, but in a different county, where he would not be prejudiced by the former trials, and that proceedings may be stayed. *Signed* Jo. Williams. *Countersigned* Ros. Price, Gr. Paunceforte. L. J., XVI. 530. [At the Hearing on 24 March 1700–1 *Mr. Serjeant Selby* and *Mr. Paunceforte* were heard for Appellant, and *Mr. Dobbins* and *Mr. Dodd* for Respondent. Appeal dismissed with 10*l.* costs. MS. Min. L. J., XVI. 633.] 1699–1700 — No. 1516.

Annexed :—

(*a*) 18 March. Petition of Catherine Williams and Elizabeth Williams, Respondents. Were not served with the Order to answer till 6 March. Catherine is lame and unable to travel and Elizabeth, an infant of tender years. Both live 110 miles from London, and their solicitor has gone the Oxford Circuit. Pray for further time to answer. *Signed* Katherin Williams, Eliz. Williams. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 550.

(*b*) 28 March 1700. Answer of same. Repeat the statements of preceding Petition. Live in Abergavenny. Their papers are locked up in their solicitor's chambers in the Inner Temple, and he is now in Monmouthshire. The issues tried were fair and the verdicts just, and the credit of Thomas Richards, their witness, proved by several gentlemen of quality and credit. Appellant is no real purchaser under the late William Williams, and the conveyances he obtained, if any, were with knowledge of Respondents' right. Pray the Appeal, which is vexatious, may be dismissed with costs. *Signed* as preceding. *Countersigned* Wm. Dobins. *Endorsed* as brought in this day.

(*c*) 19 Feb. 1700–1. Petition of same. Appellant has not proceeded with the Appeal, save entering into recognizance about costs. He designs only to delay the Cause, or to bring it on in the absence of Petitioners' Counsel and solicitor, who go the Circuit this vacation. Pray for a short day for the Hearing, or that this vexatious and dilatory Appeal may be dismissed. *Signed* as preceding. L. J., XVI. 602. *Endorsed*, by mistake, as read 18 Feb.

(*d*) 3 March 1700–1. Petition of Henry Washington, solicitor for the Appellant. Has sent notice of the Hearing, appointed for 6 March, to the Appellant, who lives in Brecon, over 100 miles, and has all the papers in the Cause. Appellant cannot possibly be here till 5 March. Prays for a further day for the Hearing. *Signed* Hen. Washington. L. J., XVI. 611. *Endorsed* as read this day.

(*e*) 15 March 1700–1. Petition of same. As the greatest stress of the Cause will lie on the difference of the articles, and the alleged interlineation on one part, the Petitioner doubts whether Respondents will produce the article in their custody at the Hearing on 13 March without an Order of the House. Prays for such Order and for further time for the Hearing, to enable Respondents to be served therewith. *Signed* as preceding. *Endorsed* as read this day. L. J., XVI. 624.

1517. Feb. 28. Whitmore's Estate Bill.—Draft of an Act to enable William Whitmore, Esq., and Richard Whitmore, his brother, respectively,

1699–1700. — No. 1517. with the consent of trustees to make leases of several manors, lands and hereditaments, late the estate of Sir William Whitmore, Bart., during their respective minorities. The Bill recites that Sir William Whitmore, late of Apley, Salop, Bart., by his Will, left all his real estate to his issue male, if any, at his death; and if not, he devised all his real estate except the manor of East Brent, Somersetshire, to George Weld and Thomas Weld Esqs., in trust, to the use in tail special of William Whitmore, of Slaughter, eldest son of Richard Whitmore, of Slaughter, Gloucestershire, Esq., deceased, and the heirs male of his body, failing whom, to his brother Richard Whitmore and the heirs male of his body, failing whom, to their uncle George Whitmore and the heirs male of his body; failing all of whom the estate was to go to the right heirs of the Testator. The manor of East Brent was vested in the same trustees to be sold, if necessary, for payment of any debts and legacies not covered by Testator's personal estate; and if not needed for that purpose, it was to go with the rest of the real estate. Great part of the estate consists of manors where there are many tenants with leases for three lives or 21 years, paying small yearly rents and fines upon granting or renewing the leases, and the leases cannot be renewed because William Whitmore is under 21, and there is no power under the Will to meet the case. Therefore William and Richard Whitmore and Anne Whitmore, their mother and guardian, pray that it may be enacted that William and, failing him, Richard, during their minorities, may, by indenture under their respective hands and seals and those of Anne Whitmore, George Weld and Thomas Weld, demise or let any part of the estate accustomed during the last 20 years to be demised or let at old or usual rents upon fines for terms not exceeding 99 years, for one, two, or three lives, or for 21 years, at the same rent as heretofore, and with the usual covenants, and so as the new leases be not made dispunishable of waste, and the lessees execute counterparts. Then follows the usual general saving clause, which excepts William, Richard and George Whitmore, and the heirs male of their bodies respectively, and the right heirs of Sir William Whitmore.

[Read 1ª this day. L. J., XVI. 530. The Bill was committed. It does not appear to have been considered by a Select Committee.]

Annexed:—

(*a*) 26 Feb. Petition of William Whitmore, Esq., and Richard Whitmore, his brother, infants, under the age of 21 years, by Anne Whitmore, widow, their mother and guardian. Petitioners state shortly the disposition of the estate as given above, and the want of power to renew leases, owing to William Whitmore's infancy, which is a great prejudice to his estate. Pray leave to bring in a Bill to enable him to make and renew leases during his minority. *Signed* Ann Whitmore. [*Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 528.]

1518. Feb. 28. Corn and Grain Exports. Letter from the Commissioners of Customs laying before the House, pursuant to the Act 10 Will. III. c. 3, the account of all corn and grain exported under that Act. *Dated* Custom House, London, 16 Feb. *Signed* C. Godolphin, Walter Yonge, Sam. Clarke, Ben. Overton, Robt. Henley, T. Newport, Will. St. Quintin. *Marked* (1). [Read this day. L. J., XVI. 530.]

Annexed:—

(*a*) 28 Feb. The account of corn and grain exported from the port of London by virtue of the liberties or powers given or granted for that purpose by an Act of Parliament made in the

tenth year of his Majesty's reign for prohibiting the exportation of corn, &c. 1699–1700. No. 1518.

	Wheat.	Pease.	Beans.	Oats.	Malt.	Meal.	Wheat-meal.	Oatmeal.	Flour.	Bread.	Biscuit.	Starch.
	Qrs.	Qrs. Bush.	Qrs. Bush.	Qrs.	Qrs.	Lbs.	Bush.	Bush.	Qrs. Bush. Lbs.	Cwt. Qrs. Lbs.	Cwt. Qrs. Lbs.	Cwt. Qrs. Lbs.
To Hudson's Bay	—	0 61	—	—	57	—	—	49	0 10 2,116	250 0 0	0 0 35,784	—
„ Newfoundland	—	19 3	—	—	—	—	—	—	—	—	10 0 0	—
„ Cape Coast in Africa.	—	—	—	—	—	—	—	—	—	—	—	143 1 21
„ New England	—	—	—	—	—	—	—	—	—	—	—	30 3 0
„ New York	—	—	—	—	—	—	—	—	—	—	12 0 0	1 2 0
„ Virginia	—	—	—	—	174	—	—	—	—	—	—	—
„ Maryland	—	—	—	—	348	—	—	—	0 2 0	—	—	93 0 0
„ Jamaica	—	—	—	—	—	—	—	28	27¼ 0 0	—	—	64 2 19
„ Barbados	—	7 0	46 4	2	—	—	9	23	0 2 0	14 1 18	37 1 0	13 3 0
„ Nevis	—	—	—	—	—	—	—	—	—	—	—	7 3 0
„ Antigua	—	—	—	—	—	—	—	8	—	—	—	
Total	8	34 0	46 4	2	587	3,200	9	108	29 2 2,116	264 1 18	383 3 0	354 3 12

Signed Cha. Crisp, pro. Collr. *Endorsed* as received this day. MS. Min. [Enclosed in preceding.]

1699–1700.
—
No. 1518.

(*b*) 28 Feb. An account of corn and grain exported from the ports undermentioned, by virtue of the liberties or powers, &c., conferred by the Act referred to in the preceding paper.

Port Names.	Wheat.	Flour.	Bread and Biscuit.	Malt.	Beans.	Pease.	Oats.	Meal.	Oatmeal.	Starch.
	Bushels.	Bushels.	Cwt. Qrs. Lbs.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt. Qr.	Bushels.	Cwt. Qr.
From Bristol - -	—	1,016	773 3 9	111	500	634	16	16 1	291½	23 1
„ Exeter - -	—	140	1,616 0 0	296	—	1,561	—	—	19	—
„ Barnstaple -	—	21	385 0 4	81	—	173½	—	—	24	—
„ Poole - -	93	—	73 0 0	1,032½	—	—	—	—	67½	—
„ Dartmouth -	—	—	—	186	—	—	—	—	—	—
„ Plymouth -	—	120	351 0 0	—	—	—	—	—	—	—
„ Portsmouth -	—	—	80 0 0	—	—	80	—	—	—	—
„ Bideford - -	—	—	14 0 0	—	—	—	—	—	—	—
„ Lyme Regis -	—	135	188 0 0	278	—	464	—	—	36	—
Total - -	93	1,832	3,480 3 13	1,984½	500	2,911½	16	16 1	438	23 1

Extracted from the letters of the Collectors of the several ports remaining in the Secretary's office. *Signed* Tho. Evans.

Dated, Custom House, London, 16 Feb. *Endorsed* as received this day. MS. Min. [Enclosed in first paper].

1519. Feb. 28. Vexatious Suits (Wales and Counties Palatine) Act.—Draft of a clause as to special bail in small suits in Wales, added by the Select Committee at the end of the Bill for preventing frivolous and vexatious suits in the Principality of Wales and the Counties Palatine. Com. Book 28 Feb. Agreed to by the House on Report this day. L. J., XVI. 529. It is set out *in extenso* in C. J., XIII. 268. The Commons adopted it with amendments extending its application to the Counties Palatine, and it forms, as thus amended § ii of the Act 11 Will. III. c. 9, Fol. Ed. [The Bill was brought from the Commons on 19 Feb. Royal Assent 11 April 1700. L. J., XVI. 520, 578.]

1520. Feb. 29. *Martha* (Free Ship) Act. — Certificate of Sir Edward Mansell, of Margam, Glamorganshire, Bart., that the ship *Martha*, of Margam, now a new ship at anchor in Hungroad in the port of Bristol, was wrecked on Kenfigge Sands in the said county in Dec. 1698, being then a foreign bottom and laden with about 350 hogsheads of white wine. Sir Edward bought the hull and rigging, &c., for 30*l.* from the master and part owner and the rest of the company who came ashore alive. After she had been on the sands about 6 months and had been almost beaten to pieces, Petitioner employed about 20 carpenters to put into her a new bottom, and over 300 labourers for above 18 days to dig her out. She was taken to Swansea, where she was rebuilt, and new ground timbers, beams and deck were put in her, and all her upper works new, which with rigging, &c., cost about 800*l.* By being rebuilt she has been made above 40 tons larger than before she was wrecked, and can carry 16 guns and men proportionable. *Signed* Edw. Mansell. *Dated* 21 Nov. 1699. [Produced this day before the Select Committee on the Bill for the ship *Martha*, of Margam, to trade as a free ship. Com. Book 29 Feb. The Bill was brought from the Commons on 8 Feb. and received the Royal Assent on 11 April 1700. L. J., XVI. 508, 579. 12 Will. III. c. 56 in Long Cal.]

1521. March 1. Speaker.—Revocation of the Patent to Sir George Treby, Knt., (Chief Justice of the Court of Common Pleas), for supplying the place of Lord High Chancellor of England in the Upper House of Parliament. *Dated* 28 Feb. *Parchment Collection.* Read this day. L. J., XVI. 531. *In extenso.*

1522. March 1. Speaker.—Patent to John, E. Bridgewater, to supply the place of Lord High Chancellor in the Upper House of Parliament. *Parchment Collection. Dated* 29 Feb. Read this day. L. J., XVI. 532. *In extenso.*

1523. March 1. Bishop of St. David's *v.* Lucy.*—Writ of Error and Transcript of Record in the case of Thomas Watson, Bishop of St. David's, who was tried, on the prosecution of Robert Lucy, at Lambeth, before the Archbishop of Canterbury, for simony (1) in having collated John Medley to the prebend of Cliddy in the diocese of St. David's and to the archdeaconry of St. David's and the treasurership of the Collegiate Church of Christ at Brecon, the Bishop himself receiving the profits thereof, and (2) in having received 220*l.*

* *See* House of Lords MSS. Vol. III. (New Series) No. 1284. Lucy *v.* Bishop of St. David's.

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for collating William Brooker to the rectory of Burough Green, in Cambridgeshire, worth 85*l.* a year; and also for many extortions for collating clergy, and for procurations, and for not administering the oaths of allegiance and supremacy to candidates for ordination. The Archbishop decided against him, and he appealed to the Delegates, on the ground that his evidence had been improperly disallowed. The Delegates also decided against him, with 60*l.* costs, and the Cause went back to the Archbishop, who pronounced a definitive sentence of deprivation against him with 663*l.* costs. From this he appealed again to the Court of Delegates. He alleged that the prosecutor, Lucy, was a man of dissolute and scandalous life, and was actuated by revenge, as the Bishop had suspended his deputy from the office of deputy registrar and archdeacon of Brecon for exactions; that two of the canons were his brothers and two his late father's chaplains; that one of Lucy's witnesses, Thomas Powell, the Bishop's late secretary, had been dismissed by the latter and had threatened to revenge himself, and that another, Edward Meyricke, had been admonished to reside in his rectory of Pembrayre or his vicarage of Llanegwade, but had not done so; that the Bishop had incurred enmity in correcting abuses, and had suspended Thomas Owen and Thomas Staynoe, canons residentiary, for non-residence; that evidence had been falsely procured against him, as that of Thomas Williams of a fee of 8*l.* having been charged for collating to the vicarage of Llanavanvally; that the alleged exactions were merely the customary lawful fees, admitted to be so by George Lucy the Registrar of the Diocese, and other officials; that the oaths had always been administered at ordinations; that the Bishop was a bachelor with private means, of which he had generously spent 3,800*l.*; that he had never received any of the profits of Medley's preferments, and that Medley was not a man who would permit such a thing; and that the dimission of Burough Green was drawn and approved by the late Sir Francis Pemberton, and was a very common case. He had received only 120*l.*, and that included the purchase of furniture worth 50*l.* The Court of Delegates rejected these allegations and decreed the Bishop's suspension *pendente lite*, without going into the merits and on the strength of the sentence of the Archbishop, whose jurisdiction the Bishop denied. The Bishop then sued in the King's Bench for a Writ of Prohibition against the Court of Delegates, objecting that the persons composing the Court in his two appeals were the same, and that the Dean of Arches, George Oxenden, whose animus against the Bishop is shown by two letters set out in the Record, was the Archbishop's Assessor in the Cause. The Prohibition was refused, and the Bishop brought a Writ of Error to the House against that refusal. *Parchment Collection.* [The Writ of Error was brought in this day by the L. Chief Justice of the King's Bench in the usual manner. L. J., XVI. 533. The House was moved to hear him upon the Writ of Error, he being to go the Circuit on Monday next. *L. C. Justice*: I have brought in the Writ of Error. I did not grant a Prohibiton because of the frivolous suggestions in it. I could not therefore grant it. *Moved* to hear Counsel to-morrow, Whether this Writ of Error come properly before this House—to be heard to show that this be a proper Writ of Error, or properly brought before this House, and not to the merits of the Cause. *Ordered* that the Promoter be heard by his Counsel whether * * *. Committee appointed to inspect the Book in relation to the methods of bringing into this House Writs of Error. On 2 March Counsel were heard. *Sir Thomas Powys*, for the late Bishop: This Writ of

Error was not taken out hastily. There was a Petition to his Majesty, a reference to the Attorney and a report from the Attorney; and the L. Chancellor directed an attendance before the sealing. He could not show but that the Writ of Error was proper. *Sir Bartholomew Shore:* We have made our demand, and a Writ is allowed. *Mr. Solicitor-General* heard against receiving the Writ of Error: There is no judgment recorded. The denial of this *supersedeas* is not a judgment. [Cites] Cook. No Writ of Error lies but where a judgment or an award in nature of a judgment. As steps hitherto in this case are only cautionary. This, say they, is a Writ of course. This is a motion in Court and no more. If a Prohibition be denied, they commonly try [the Cause in] the [same] Court again. *Mr. Serjeant Wright*: There has not one precedent been cited of a Writ of Error upon a motion denied, and yet there is a hundred motions for a Prohibition. If the Prohibition had been granted, yet there could not be a Writ of Error. Until judgment be given, there can be no Writ of Error. No; we will say, until judgment is given no Prohibition denied can have a Writ of Error. They cannot instance in one case where a motion made for Prohibition, that denied, a Writ of Error was brought. The effects of retaining this Writ of Error will be [that] your Lordships will not preclude a legal defence or trying whether the Prohibition was legally got or not. Either the judgments must be disputed or the party be concluded. This is an unprecedented thing, and never yet done before. Counsel withdrew. *Moved* to hear L. C. Justice. *L. C. Justice:* I never desired to be heard. I am of opinion no Writ of Error lies in this case. This suggestion is in order to obtain a Writ. It is no judgment, nor ought to be one, nor can be one. The promoter is not a party in Court. Lucy has no day in Court or day given. Lucy is a stranger out of Court. We had done wrong to the Bishop if we had granted it. I could not do so unprecedented a thing. There never was a Writ of Error upon a Court's not doing a thing. A Prohibition differs from other Writs. We are commanded by Act of Parliament to be circumspect in Prohibitions. *Moved* to hear Mr. Attorney-General. *Proposed* to hear L. C. Justice: It is not prayed against a bishop. It is against Delegates, and they are ceased. A Prohibition cannot retrospect. After long debate, *Proposed* to hear Counsel upon this point, as to what effect such a Prohibition would have if granted to the Party desiring it. After debate, *On Question:* Whether the Writ of Error shall be received? *Resolved* in the negative, the Contents yielded: Tellers, E. Peterborough, L. Granville. MS. Min. The Committee appointed to inquire on the method of bringing Writs of Error made their Report on 4 March. Com. Book. L. J., XVI. 536.] 1699–1700. — No. 1523.

1524. March 1. Naturalization (Jacobson, &c.) Act.—Petition of Corneille de Nassau, second son to the Rt. Honble. Henry de Nassau, Seigr. D'Auverquerk, Master of the Horse to his Majesty, praying to be naturalized by an Act of the present Parliament. [Read this day *Ordered* as desired. L. J., XVI. 532. The Bill was brought from the Commons on 28 Feb. Royal Assent 11 April 1700. *Ib.* 529, 579. 12 Will. III. c. 57 in Long Cal. Petitioner was added to this Bill by the Select Committee on Ricard's Bill (No. 1510). Com. Book March 5, 7.]

Annexed:—

(*a*) 4 March. Petition of Marie Barbara Brisco, a Protestant, born beyond the sea, who has married an English gentleman, praying to be added to a pending Naturalization Bill, and

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to be sworn thereunto. *Endorsed* as read 4 Feb. [March]. *Ordered* as desired. L. J., XVI. 535. [Petitioner was added to this Bill on 7 March by the Select Committee. Com. Book March 7, 8].

(*b*) 5 March. Petition of Charles Daubuz, who has been educated in Cambridge University, and otherwise dwelt in this Kingdom for fifteen years, but was born in Aquitaine, which he left on the account of the Protestant religion. Prays to be admitted into some pending Naturalization Bill. *Unsigned.* *Noted* Rickard's Bill. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 536. [Petitioner's name was considered on 7 March by the Select Committee on Ricard's Bill (No. 1510), before whom he produced his Certificate. *Ordered* that he be added to this Bill. Com. Book.]

(*c*) 7 March. Certificates that John Nieman, from Wismar, and Baltzar Lyell, from Stockholm, received the Sacrament, according to the usage of the Protestant Church, on 4 Feb. 1699–1700, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* 6 Feb. *Attested* by George Berens and Peter Willcke, Clerk. [Produced before the Select Committee this day, and names agreed to be added. Com. Book March 7, 8].

(*d*) 8 March. Certificate that Eleonora Haskinstiles, daughter of Joseph Haskinstiles and Eleanor Clifford, of Amsterdam, received the Sacrament on 4 Feb. 1699–1700, at the Parish Church of All Hallows, Steyning, according to the usage of the Church of England. *Signed* Dan. Fogg, Tho. Gatty. *Dated* eod. die. *Attested* by Edward Jones, of Grittleton, Wilts, and Thomas Beard, of Allhallows, Steyning. [Produced before the Select Committee this day, and name added to the Bill. Com. Book].

(*e*) 8 March. Certificate that Michael Juses, residing in the parish of St. Peter's Cheape, London, received the Sacrament according to the usage of the Church of England, on 28 Jan. 1699–1700, at the Parish Church of St. Peter's, Cheape. *Signed* James Thomas, Curate, John Britton, Churchwarden, Tho. Broderick, Clerk. *Dated* eod. die. *Attested* by Nicholas Opie. [Produced before the Select Committee this day and name added to the Bill. Com. Book].

1525. March 1. Bastard Children Bill. — Draft of an Act for preventing and punishing the begetting of bastard children. For contents of Bill, *see* Abstract (Annex (*a*)). [Read 1ª this day. The Bill was committed on 5 March, but the Committee was never held. M.S. Min. L. J., XVI. 532, 536, 544.]

Annexed :—

(*a*) 1 March. Abstract of Bill. The preamble recites that the laws in being for punishing the begetting of bastard children and providing for the same, are defective; Therefore the Bill enacts: That after the day of , any two justices of the peace next to the limits of the church within which parish such bastard child shall be born, shall have power to punish the mother and reputed father, as is allowed by the statute of 18 Eliz. though neither of them be of the Quorum. And if there be not two justices living within 3 miles of the place, then the same power shall be vested in one

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justice only. And further, That where no order shall be made by one or more justices of the peace pursuant to the aforesaid Statute or this, then as well the justices of assize as the justices of the general quarter sessions shall have power originally to make orders for the punishment of such offenders, as also for the relief of every such parish that is chargeable with such child or children. It further enacts, That the justices of the peace at the general quarter sessions shall have full power upon examination, as well to commit the person or persons that shall refuse to obey any former order made by justices of peace out of sessions to gaol without bail till he shall obey the same, as also to order the bond given for performance of such order to be put in suit. And if they shall not think fit to confirm such order, they may alter or make void the same, and make such further order therein as they shall think fit. And whereas such orders have been frequently removed by Certiorari into his Majesty's Courts at Westminster and there quashed. It therefore enacts:—That after the said day of , no order of sessions made in relation to bastard children shall be quashed for any default in drawing up the same; and the judges, before whom the same shall be removed, shall either amend the same, or make a new order therein, or bind over the mother or reputed father, with security to appear at the next quarter sessions and abide such order as the said justices shall then make therein; and upon refusal to give such security to commit the offenders to prison without bail or mainprize, till such security given. And further, That where the mother or reputed father shall appear upon the oath of one or more witnesses to be of sufficient ability not only to save the parish harmless, but to give the child a competent sum of money for its maintenance, the justices at the quarter sessions shall make an order for the maintenance of the child while it may be chargeable to the parish, and likewise shall order a sum of money to be paid to such child at the age of , by the reputed father, having therein respect to the quality and ability of him. And if, upon notice, they shall not give security so to do, the reputed father shall be committed to gaol till he perform such order. And whereas the oath of the mother has been allowed a sufficient evidence to charge the reputed father with the keeping of a bastard child it further enacts, That after the said day of , the justices of peace before whom such mother shall be brought in order to make such oath shall, before he administer the same, send for the person by her charged to confront her face to face, and to ask such questions as the justice shall think fit, and produce what proof he is able to the contrary. And if, upon hearing the matter, the said justice shall not be satisfied, he shall bind them both over to the next quarter sessions for the county, there to be re-examined [by the justices], who, upon hearing both parties and witnesses shall make their order therein, provided if the person upon whom the child is fathered shall have fled his country or refuse to appear, then the oath of the mother shall be allowed. It further enacts, That after the said day of , if any mother or reputed father of any bastard child shall make any agreement with any person for the taking upon him or her the care thereof, without the knowledge of the churchwardens of the parish, that upon oath thereof made, the justice of the peace shall commit the offender

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to gaol till he or she shall produce the child *or give sufficient proof that the child died a natural death or by some unavoidable accident**. And further, That the words, clauses and sentences herein shall be adjudged and construed in all courts in the most favourable sense for the better punishing of the offenders. And if any person shall be sued for anything done in pursuance of this Act, he may plead the general issue, and give this Act and the special matter in evidence. And if plaintiff be nonsuit[ed], discontinue, or a verdict pass against him, defendant shall recover costs.

1526. March 2. Cooke v. Attorney-General.—Petition and Appeal of Sir Thomas Cooke, Knt. On 9 and 10 Oct. 1691 the East India Company imported 98,752 lbs. of pepper, and paid duty. Appellant bought the pepper and on 5 Oct. 1692 shipped it on board the *Union* frigate for export to the Straits, thereby becoming entitled, under the Tonnage and Poundage Act, to a drawback of half the duty, amounting to 1,442*l*., if the pepper were re-exported within the year. As no convoy was ready, and there was danger of capture by the French fleet, Appellant having already lost a ship laden with pepper at the mouth of the Channel, the frigate remained in the river beyond the year, and Petitioner sold 82,675 lbs. to Mr. Francis Gosfright, who transshipped to the *Apparition*, and the remaining 16,077 lbs. to Mr. John Rudge, who removed it to the *Three Brothers*. The parcel cocquet for the latter quantity, was, by a mistake of the Collector's clerk, dated 15 Nov. and endorsed from the *Union* frigate 5 Oct., whereas the dates should have been reversed. In making the sale Petitioner had reserved the drawback to himself; so he got debentures for the whole and applied to Sir Nicholas Crisp to perfect them, in order that he might get his drawback. Sir Nicholas made no objection as to the first quantity, but refused as to that sold to Rudge, owing to the mistake in the date. The Commissioners of the Customs, on being applied to, directed that the debentures should be cancelled and that Petitioner should have fresh debentures for the whole quantity, made out in his own name and that of Mr. Rudge, who had taken out a parcel cocquet; but Sir Nicholas refused to perfect them, on the ground that the pepper had not been exported within the year though shipped in time. Appellant then brought an action at law against Sir Nicholas, but was nonsuited, because the pepper was entered out in his name only, while the debentures were in his name and Mr. Rudge's; and the old debentures having been cancelled, Appellant was remediless at law. He then exhibited his Bill in the Court of Exchequer, and the Commissioners in their Answer confessed that the *Union* had been delayed by an embargo, and that Petitioner was entitled to his debentures, but that, as this was a peculiar case, the Patent Officer wanted the direction of the Court. It was proved at the trial that it was the constant practice to allow the drawback in similar cases; but the Court, after refusing to allow the Commissioners' answer to be read, gave judgment leaving Appellant to his remedy at law, and restoring the cancelled debentures for that purpose. Appeals against this Judgment, because the Court ought to have decreed him his demands, as the Defendants had not demurred, and Appellant cannot get relief at law owing to the misdating of the cocquet. *Signed* Tho. Cooke. *Countersigned* Sam. Dodd, Con. Phipps.

* The words in italics are substituted for the following words, viz.:—and if the same shall not be produced within — months after such commitment, then the party shall be deemed guilty of murder, and suffer as in case of wilful murder.

L. J., XVI. 534. [At the Hearing on 22 March *Mr. Dodd* and *Mr. Phipps*, for the Appellant, offered to read the answer of the Commissioners of Customs as being a gravamen in their Petition. They insist to have it read. *The King's Counsel* opposed this. The *Attorney-General* heard as to the reading of the answer of the Commissioners of Customs in the Courts below: If the answer be read against another Defendant, it prevents cross-examining and makes a man a witness on one side. Sir Th. Cooke might have examined them as witnesses and yet have continued them as Defendants. *Petitioner's Counsel* then desisted from reading the Commissioners' answer, and proceeded in the Cause. Depositions of Josiah Otway, William Dockwray, Peter Fagin, Robert Lancashire, John Rudge, and others were read. *Mr. Solicitor*, for Respondents: This is a mere point of law, and they ought not to have come to the Exchequer. This is a rule in the Book of Rates. This year is given them. They would have it go beyond the equity of the Rule. *Mr. Serjeant Wright* heard, and several depositions read. The Appeal was dismissed. MS. Min., 22 March. L. J., XVI. 556.] 1699–1700. — No. 1526.

Annexed:—

(*a*) 13 March. Joint and several Answers of Sir Thomas Trevor, Knt., his Majesty's Attorney-General, Charles Godolphin, Esq., Sir Walter Young, Bart., Samuel Clarke, Benjamin Overton and Robert Henly, Esqs., five of the Commissioners of the Customs, John Crisp and Thomas Crisp, Esqs., Sir John Shaw, Bart., Charles Beauvoir, Thomas Bates, John Greathead and Edward Le Neve. The Attorney-General on behalf of his Majesty, answered that Appellant should not endeavour to raise any new equity before the House of Lords by suggesting a misdating of the cocquet, which was not alleged in the Bill, and should get no relief on points not complained of in the Bill. His proper remedy is at law, and the Decree places it within his power. The rest of the Respondents answer that they acted to the best of their judgment as public officers. *Signed* Saml. Clark, Ben. Overton (for themselves and the other Commissioners of the Customs), Jo. Shaw, John Crisp, Tho. Crisp, Cha. Beauvoir, Edw. Le Neve, Jo. Greatheed. *Countersigned* Tho. Trevor, Jo. Hawles. *Endorsed* as brought in this day.

1527. March 2. Countess of Newport's Privilege.—Petition of Susannah, Countess Dowager of Newport. Petitioner, being administratrix to her son, Lieut. Mortimer, was on 19 Feb. arrested by George Wagstaff, John Vargis, Thomas Fishwaters and George Hear, for debts of her said son, who received such wounds in his Majesty's service as was the cause of his death; and all his money now remains unpaid in the hands of the Government. The Writ was taken out of the Marshal's Court. Forasmuch as Petitioner was very barbarously and inhumanely treated by the persons aforesaid, without any regard or respect to her quality, and that the said arrest (as Petitioner is advised) is a manifest violation and contempt of the Privilege of a Countess and Peeress of this Realm, she prays for relief. *Signed* Newporte. [Read this day and referred to the Committee for Privileges. On 6 March, on motion, the House agreed to cancel the reference to the Committee, and to examine into the Petition at the Bar. *Anne Harding:* [I] saw the Lady Newport arrested by Wagstaffe and Fitzwalter. [*David Lloyd* (?)]: I was there the next day, and was told Fitzwalter did arrest her, and I asked him and he owned he arrested her. She was

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arrested in my house, at her lodging. *Ordered* that Wagstaffe and Fitzwalter be attached. MS. Min. L. J., XVI. 534, 538.]

Annexed :—

(*a*) Certificate of Hum. Pugh that a Capias was delivered out of the Marshal's Court on Saturday last against Sara Newport, at the suit of Mordant Crochrode in an action of the case of 10*l.*, which Writ was returnable on 23 Feb. and was tested 16 Feb. *Dated* 21 Feb. *Noted* below. The man's name that put this Writ in execution is George Fitchwaters. He lives in Oxington Street at the Black Bull near the Haymarket. [Appended to preceding.]

1528. March 4. May's Estate Act.—Particular of the estate sold and settled by Mr. May, produced this day before the Select Committee on the Bill to enable Thomas May, Gent., to sell lands in the county of Suffolk which were settled upon his marriage, and to convey other lands in the same county, of a greater value, to the same uses. The estate to be sold consists of one capital messuage, &c., and lands thereto belonging, let with 7 acres of copyhold lands at 58*l.* per annum (the particular of the lands amounts to 78 acres), and one messuage, &c., called Cooper's house, and land, let to John Corder at 60*l.* per annum. The estate to be settled consists of the quit rents of the manor of Stutton Hall, 2*l.* per annum; Stutton Hall and land thereto belonging valued at 40*l.* per annum; the Queach Farm, let to John Muncking at 63*l.* per annum; and Goslin's Farm, let at 17*l.* per annum. [The Bill was brought from the Commons on 8 Feb. Royal Assent 11 April 1700. L. J., XVI. 509, 578. 12 Will. III. c. 31 in Long Cal.]

Annexed :—

(*a*) 4 March. Consent of James Rant, brother of Jane Rant, Thomas May's second wife, and trustee of her marriage settlement, to the Bill, which is set out in this paper, with James Rant's consent appended. *Dated* 13 Jan. *Attested* by John Harrington. [Produced before the Select Committee this day, and proved by John Harrington, who said Rant could not attend, having broken his leg. Com. Book 4 March.]

1529. March 7. Hore's Estate Act.—Amended Draft of an Act for sale of part of the estate of Charles Hore, Esq., for payment of his debts and for settling other part in trust for raising a portion and maintenance for Elizabeth, his only daughter by his former wife, and for making a jointure for Mary, his now wife, and for a provision for the children by the said Mary. The amendments made in the Select Committee were mainly to leave out the name of Henry, Lord Herbert of Cherbury from those who petitioned for the Bill, to make Elizabeth Hore's 40*l.* a year for maintenance and education payable on her attaining the age of twelve, and to leave out the words, After the decease of the said Charles Hore, which invested the estate of Elizabeth Hore, first wife of Charles Hore, in her brother Lord Herbert, in trust for her daughter Elizabeth. (Annex (*d*)) The other amendments were mainly of a drafting nature. Com. Book March 21 and 22. There were no amendments in the Commons. [Brought in this day. Royal Assent 11 April 1700. L. J., XVI. 539, 579. 12 Will. III. c. 49 in Long Cal.]

Annexed :—

(*a*) 28 Feb. Petition of Charles Hore, Esq., and Mary, his now wife. Petitioner's father mortgaged his estate in Devonshire

to Dr. William Hore, which mortgage is now vested in Chief Justice Holt. Charles Hore, upon a former marriage with Elizabeth, sister of Lord Herbert of Cherbury, settled part of the estate upon trust for raising portions and maintenance for the daughters of that marriage. One daughter, Elizabeth, was the only issue of that marriage, and on his second marriage Charles Hore settled his whole estate on Petitioners for their lives with remainder to their issue and another part on trustees after his death for paying off the mortgage, which now amounts to 5,400*l.* and interest. Unless part of the estate is sold to pay off the mortgage, both the said settlements will be rendered ineffectual, as the mortgage is in fee simple and precedent to all other of Petitioner's estates. Prays leave to bring in a Bill to pay off the mortgage and other debts, and to make provision for Elizabeth and for his present wife and children. *Signed* by the Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 530.

(*b*) 21 March. Letter from Mr. William Reade, addressed to Jonathan, Lord Bishop of Exeter, at the House of Lords. Troubles his Lordship on behalf of his sister Mrs. Frances Hore, relict of John Hore, late of Rushford, Esq., and her son Tothill Hore, who married writer's second daughter Ann Reade. There is no saving clause in the Bill to secure his sister's jointure nor a considerable debt due to Tothill from his brother Charles, which has long since been adjusted between them. Begs his Lordship to move the House that the Bill may not pass without such a saving clause. His sister deserves her jointure (which was the whole [of] Barton of Rushford) as she brought over 3,000*l.* as her portion, and has nothing else left for her maintenance; and Charles will not deny the debt he owes his brother Tothill. A petition to this purpose will be delivered to his Lordship, which the writer prays he will give in to the Committee. *Signed* Will. Reade. *Dated* Drewsteignton, 16 March. *Endorsed* 22 March. Read this day before the Select Committee. Com. Book.

(*c*) 21 March. Petition of Frances Hore, widow, relict of John Hore, Esq., deceased, and Tothill Hore, Gent. Part of the lands to be devoted to raising the portion and maintenance of Elizabeth Hore are the jointure of Petitioner Frances, who brought 3,000*l.* to the family. Petitioner Tothill is likewise to have a portion thereout. Yet there is no saving clause for Frances' jointure or Tothill's portion, their only subsistence. Pray such may be inserted. *Signed* Frances Hore, Tothill Hore. *Endorsed* 22 March. Read this day before the Select Committee, and Counsel ordered to bring a saving clause accordingly (Annex (*e*)). This was brought in the following day, but waived on further consideration. Com. Book March 21, 22.

(*d*) 22 March. Paper of amendments made in Select Committee this day. Com. Book.

(*e*) 22 March. Draft of saving clause for Frances Hore, widow, and Tothill Hore, Gent. Marked to be added to the Bill this day. Com. Book March 21, 22.

1530. March 8. Sherrard *v.* Sherrard.—Petition and Appeal of Castle Sherrard. His maternal grandfather, John Castle, Esq., died possessed of 550*l.* personal estate, and real estate worth 240*l.* per

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annum. He left 100*l.* a year to his second wife Editha, 300*l.* each to his two grand-daughters, Editha married to one Carr, and Ann married to one Cuniott, the parsonage of Foulkesworth and his maintenance at Cambridge until he took his Master's degree to his grandson William Sherrard, 20*l.* a year to his grandson John Sherrard Castle, in case his father did not support him, and his real property in Glatton and Foulkesworth to his eldest grandchild Castle Sherrard *alias* Sherrard Castle, the Appellant, whom he appointed his sole executor. The widow died a year after. Appellant paid all the legacies, which amounted to more than the personal estate, and apprenticed John Sherrard Castle, the Respondents paying 35*l.*, and giving him a bond for 105*l.* more; but he was advised that the real estate was not liable for the legacies. After acquiescing for 28 years, Respondent exhibited a Bill in Chancery against Appellant for his annuity of 20*l.* a year, and obtained a Decretal Order of the Master of the Rolls of 22 Dec. 1697, confirmed by Orders of the L. Chancellor of 10 Feb. 1698 and 19 July 1699. Against these Petitioner appeals, denying the liability of the real estate, and also because Respondent had not proved that his father had not provided for him. *Signed* Castle Sherrard. *Countersigned* E. Jennings, J. Hooke. L. J., XVI. 541. [At the Hearing on 25 March 1700 *Sir Thomas Powys* and *Mr. Dodd* were heard for the Appellant, and *Sir Barth. Shore* and *Mr. Dobbins* for the Respondent, the latter citing the case of Pelham *v.* Cloudesly. The Appeal was dismissed with 20*l.* costs. MS. Min. L. J., XVI. 559.]

Annexed:—

(*a*) 18 March. Answer of John Castell Sherrard, Gent. His grandfather's Will was made two or three hours before his death and was written by Appellant, who was at his house at Glatton at the time. Respondent had been continually pressing for payment of his annuity, but had been put off with promises, and he had been reluctant to go to law, as Appellant had no son and only one daughter. Appellant was always slow to pay his debts. He had kept his sister Cuniott 14 years out of her legacy, though she had six children and scarcely anything to live on, and had kept Respondent 20 years out of the 105*l.*, which was payable in six months. Yet Appellant was well off, having inherited both his grandfather's and his father's properties. Appellant, in his answer to Respondent's Bill below, had confessed that Respondent's father had made no provision for him, which was the fact. The Master of the Rolls held that the annuity was a freehold, and payable out of the whole estate, after deducting what had already been paid, which was ascertained by Mr. Pitt, one of the Masters. After the Decree below, Appellant promised to settle a close worth 40*l.* a year on Respondent, to satisfy the annuity and arrears, or else to sell the advowson of Glatton for that purpose. Prays the Appeal may be dismissed with costs. *Signed* John Sherard. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(*b*) 19 March. Petition of Respondent. The Appeal seems merely for delay, being founded upon very untrue suggestions. Prays for a short day for the Hearing, and that Appellant may give the usual security for costs. *Signed* John Castell Sherard. *Endorsed* as read this day. L. J., XVI. 552.

(*c*) 23 March. Petition of William Sherrard, for and on behalf of the Appellant, his father-in-law, for further time for him to give security and for the Hearing, as Appellant had been unwell

in the country, but he will be in town by Wednesday next. *Signed* Wm. Sherard. *Endorsed* as read and dismissed this day. L. J., XVI. 558.

1531. March 11. Jackson *v.* D. Devonshire.—Petition of Benjamin Jackson, mason. The Duke of Devonshire employed Petitioner in the building of his house at Chatsworth, in Derbyshire, the contracts and agreements obliging both parties to abide by the valuation of Sir Christopher Wren and William Tallman, Esq., both Commissioners of his Majesty's Works, as to the value of the work done. Accordingly, when the greatest part of the work was finished, several skilful artificers were sent down by Wren and Tallman, and drew up their valuation in writing. The Duke refusing to pay, Petitioner was unable to pay his workmen, and was obliged to quit the place, leaving part of the work unfinished. Thereupon the Duke renewed his promises of payment, and agreed, under his hand, to waive his Privilege in case of any future difference arising. Petitioner resumed the work, but being still disappointed of payment, and the Duke resuming his Privilege, Petitioner could not finish the work or pay his just debts, to the utter ruin of himself and his family and of many families depending on him. Implores that the Duke may not be allowed to resume his Privilege, so that Petitioner may recover his debt. *Signed* Benj. Jackson. L. J., XVI. 544. [On this Petition being read this day, the Duke desired to be excused from waiving his Privilege, and it was referred to the Committee for Privileges. MS. Min. No further proceedings recorded, beyond an Order for witnesses on 12 March. L. J., XVI. 545.]

1532. March 12. Chancery Lane Act.—Petition of Friswith Deane, of Chancery Lane, widow. Petitioner has for many years kept a victualling house in Chancery Lane, and has lately laid in a considerable stock to carry on her trade. The intended passage from Chancery Lane to Lincoln's Inn Fields, contemplated by the Bill before the House, cannot be made without pulling down her house, in which she has a term of a year and a half yet to come. Petitioner would be ruined if this were done. There are only four houses intended to be pulled down for that passage, and Petitioner is the only tenant by lease, and pays the greatest rent. She might reasonably have expected to have been agreed with for her term before the Bill was brought in and followed. Petitioner is unwilling to oppose what may be a public benefit, but hopes it may not turn out to her ruin. Prays provision may be made in the Bill that she may continue in her house till her term is ended, or may have satisfaction and recompense for the loss of her trade. L. J., XVI. 545. [Read this day, and Petitioner ordered to be heard at the Committee on the Bill. MS. Min. On 14 March in the Select Committee, when this Petition was called for, *Mr. Weeden* produced an agreement, under Mr. Wharton her Counsel's hand, for her withdrawing her Petition, which was read. Then *Mr. Wharton* informed their Lordships that Mrs. Deane was satisfied to withdraw her Petition. Com. Book. The Bill was brought from the Commons on 11 March. Royal Assent 11 April 1700. L. J., XVI. 544, 579. 12 Will. III. c. 35 in Long Cal.]

1533. March 12. River Larke *alias* Burne Navigation Act.—Draft of proviso added this day in the Select Committee to the Bill. It forms Section 17 of the Act 11 Will. III. c. 22, Fol. Ed. Com Book. [The Bill was brought from the Commons on 4 March. Royal Assent 11 April 1700. L. J., XVI. 535, 578.]

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1534. March 13. River Dee Navigation Act.—Petition of Richard Mico, Esq., for and on the behalf of Samuel Powell, of Birkenhead, in the county of Chester, Esq., and on the behalf of his tenants and inhabitants of the Hundred of Wirrall in the County Palatine of Chester. Samuel Powell, having an estate of near 600*l.* a year in Wirrall, conceives that the Bill for recovering and preserving the navigation of the River Dee is much to his prejudice and that of his tenants and others. Prays to be heard by Counsel before the Bill pass. *Signed* Richard Mico. L. J., XVI. 546. [Read this day. *Ordered* that Petitioner be heard by the Select Committee on the Bill. On 15 March in the Committee, *Mr. Cooper*, for Mr. Mico, said all he desired was that there might be a provision in the Bill for ferries to be made for the ease and convenience of the tenants in Wirrall. Then, the Bill being proceeded with, and Mr. Cooper owning that the last clause or proviso did what Mr. Mico desired, *Ordered* that the Bill be reported without amendment. Com. Book. The Bill was brought from the Commons on 11 March. Royal Assent 11 April 1700. L. J., XVI. 544, 578. 11 Will. III. c. 24, Fol. Ed.]

1535. March 13. Lloyd *v.* Carew.—*Petition of Sir Evan Lloyd, Bart., Dame Mary, his wife, and others praying that a fit person may be appointed as Guardian to Sir Richard Carew until he comes of age and can convey to Petitioners the property referred to in the judgment of the House of Lords of 24 March 1697–8. L. J., XVI. 545. [Read this day. Counsel heard and the Petition granted 20 March. MS. Min. L. J., XVI. 553.]

1536. March 14. Handcock *v.* Shaen and E. Kildare *v.* Shaen.†—Petition and Appeal of William Handcock, Esq., and Leonard Hatfield, Gent. Petitioners have for 50 years been tenants of Wentworth, late Earl of Kildare, and his son John, the present Earl, in messuages and lands in Westmeath and elsewhere. In 1696 Sir Arthur Shaen, son and administrator to his father Sir James, who died in 1695, exhibited his Bill in Chancery in Ireland against Petitioners, to enforce two pretended leases of the said lands from the late Earl to Sir James, and a conveyance in 1660 of the fee and inheritance thereof to trustees for the use of Sir James and his heirs, whereas in truth the late Earl had, on his marriage with Elizabeth, his wife, entailed the premises on himself and the issue male of the marriage, whereby the present Earl is entitled thereto. On 5 Feb. last the Court decreed that Sir Arthur Shaen should have possession of the premises, and that Petitioners should account with him for the mean profits since 1686. Appeal against this Decree, forasmuch as the Earl ought to have been made a party to try his title against Shaen, of whose claim Appellants never had any notice till he brought his Bill, and because Petitioners are still bound to pay the Earl their rent and have done so since 1686, from which position they could not be relieved by the Court without the Earl being made a party to the suit. Pray also for stay of proceedings. *Signed* Will. Handcock, Leonard Hatfield. *Countersigned* T. Powys, James Sloane. Wm. Guidolt. L. J., XVI. 547. [At the Hearing on 28 April 1701 *Mr. Cooper* and *Mr. Phipps* were heard for the Appellants, and *Mr. Dobbins* was heard for E. Kildare, to this effect: We say this is his estate, and, by what Sir Arthur Shaen offered in

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* The proceedings in connection with this Petition are dealt with in Lloyd *v.* Carew, House of Lords MSS., Vol. III. (New Series), No. 1,180.

† See *Colles' Reports*, p. 122.

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this Cause, he owns it was our estate. The lease of 40 years was precedent to the marriage settlement. *Mr. Sloane* also heard for L. Kildare, and *Sir Barth. Shore* and *Mr. Pooley* for Respondent. After the replies, *Asked*, If this Decree be affirmed, that E. Kildare may try his right. *Answered* by *Respondent's Counsel:* He may, and this Decree cannot be given in evidence. *The Earl's Counsel* say they think this Decree does him a great hurt. Then E. Kildare's Petition (Annex (*a*)) was dismissed, and the Order complained of in Handcock's Appeal was reversed, as in L. J., XVI. 662–3. MS. Min. The House amended this Judgment on 13 May 1701, after hearing *Mr. Pooley*, *Mr. Cooper* and *Mr. Sloane.* MS. Min. *See also* Annex (*d*) On Petition of Respondent (Annex (*e*)), *Mr. Phipps* and *Mr. Sloane* were heard on 22 May 1702, when, after hearing Mr. Guidet [Guidolt] and the other agent, the Lords told Counsel that they expected their Order to be complied with in Ireland. MS. Min. 22 May 1702. On 17 Jan. 1705–6, the Earl petitioned the House for recission of the Order to pay his rents into Court (Annex (*f*)). On the Hearing of this Petition on 28 Feb. following *Sir Thomas Powys* was heard for the Earl and *Mr. Phipps* for Sir Arthur Shaen. MS. Min. L. J., XVIII. 131.]

Annexed:—

(*a*) 14 March. Petition and Appeal of John, Earl of Kildare, against the same Decree, whereby he had been deprived of his property without being heard. He recites the circumstances set out in Handcock's Appeal above, and asserts his right to the premises under his father's marriage settlement, which was made before the pretended leases upon which Shaen relies. *Signed* Kildare. *Countersigned* T. Powys, James Sloane, Wm. Guidett. *Endorsed* as read this day. Dismissed 28 April 1701. L. J., XVI. 547, 662. *See also* Note above.

(*b*) 7 April 1701. Answer of Sir Arthur Shaen, Bart., to Handcock's Appeal. Wentworth, late Earl of Kildare, in 1656, demised the premises worth 100*l.* a year, to Respondent's father for 41 years for 1,250*l.*, at a yearly rent of 110*l.*, and in 1659 the reversion thereof for 99 years to John Humphreys, deceased, in trust for him, for 450*l.*, at a yearly rent of 100*l.* In 1660 he conveyed the premises, by consent of John, late Earl of Clare, whose daughter he married, and of Hon. Robert Boyle, E. Kildare's uncle, to the late E. Anglesey, then Arthur Annesley, and others, in trust for Sir James Shaen and his heirs, for 1,000*l.* The Appellant Handcock, in his Answer below, acknowledged Sir James's title to the premises, and the Appellants paid 40*l.* a year rent for the premises to Sir James for their whole term of 29 years, at the expiration of which they offered to continue his tenants at an under rent, and on his refusal they declined to give up possession, and attorned tenants to John, Earl of Kildare. The Decree appealed from is just. Prays the Appeal may be dismissed with costs. *Signed* Art. Shaen. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

(*c*) 7 April 1701. Answer of Sir Arthur Shaen to E. Kildare's Appeal (Annex (*a*)). The document is almost entirely illegible, but in one part Respondent's allegation appears to be that in 1680 he was ousted of part of the lands sold to his father (but not those in Westmeath) by an ejectment obtained by surprise when he was under great trouble, but that the Earl was never, by himself or his undertenants, in possession of the lands in question, so that there was no need to make him a party in a

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suit against tenants who had held over their term. *Signed* Art. Shaen. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

(*d*) $\frac{28 \text{ April}}{13 \text{ May}}$ 1701. Copy of an Order of the House on 28 April reversing the Decree, without prejudice to Sir Arthur Shaen's title, and ordering the Earl of Kildare to be made a party to the suit; with further order on 13 May for the tenants to pay the arrears and growing rents into Chancery in Ireland till the determination of the cause. L. J., XVI. 663, 680.

(*e*) 20 May 1702. Petition of Sir Arthur Shaen. He has complied with the above Order, and charged the tenants with 4,991*l.* as the mean profits of the premises, which are to be computed by Dr. White, one of the Masters; but the tenants refuse to pay anything into Court, alleging that they had no lease from Respondent after 1686, so that there are no growing rents, and sheltering themselves under a pretended lease from E. Kildare since the Decree. Prays the House to explain the words, growing rents, as the mean profits. The lands are those of Killinure and others in Westmeath. *Signed* Art. Shaen. *Endorsed* as read this day. L. J., XVII. 140. *See* Note to first paper.

(*f*) 17 Jan. 1705–6. Petition of John, Earl of Kildare. He has answered Sir Arthur Shaen's amended Bill, but the latter, having obtained the Order for the rents being paid into Court, and having been elected to the Irish Parliament, will not bring on the hearing, and insists on his Privilege to delay it. It is unusual to order a Defendant's rents to be paid into Court without title shown by a Plaintiff, or without apparent delay used by the Defendant or inability to pay, which Petitioner is not guilty of. Prays for discharge of that part of the Order directing the payment into Court, and for the payment to Petitioner of rents already paid in. *Signed* Kildare. L. J., XVIII. 68. *Endorsed* as read this day. *See* Note to first paper.

(*g*) 11 Feb. 1705–6. Petition of Lady Frances Shaen, widow and relict of Sir James Shaen, Bart., deceased, on behalf of herself and her son, Sir Arthur Shaen, Bart. Has lately received the annexed letter (*see* next paper) enclosing a copy of the Petition (Annex (*f*)) and of the Order to answer by 7 Feb. Sir Arthur has been at his house in Connaught, about 60 miles from Dublin, for the last seven months, and could not have answered within the time. The tenants have refused to pay any rents into Court pursuant to Order of 18 May 1701, as appears by the annexed certificate, so the Earl has no ground of complaint. Petitioner is interested in the lands in question, and entitled to a third of the rents. Prays for further time for Sir Arthur to answer. *Signed* F. Shaen. On the third page is a copy of the certificate of F. Burton (Annex (*i*)). L. J., XVIII. 97.

(*h*) Letter from Mor. Dowling to the Rt. Honble. the Lady Frances Shaen, in Compton Street, near St. Ann's Church, London. The copy of the Petition and Order were served on the writer on 26 Jan., which was not good service, as it was not personal service on Sir Arthur Shaen, who had been in Connaught for the last seven months. The complaint was frivolous, seeing that no money had been paid into Court, as appeared from the enclosed certificate. Sir Arthur had

preferred several Bills on L. Kildare and his agent to produce a settlement of 1659 which was material to confirm his title, but had been met with shuffling answers. Asks Lady Frances to employ a solicitor, and obtain further time to answer. The writer told Mr. Hatfield, who served him, that he was neither agent nor solicitor for Sir Arthur, but he believes some blind affidavit of Service will be sent, which may pass if not opposed. *Dated* Dublin 29 Jan. 1705-6. [*Appended* to preceding.]

(*i*) Certificate of F. Burton, usher of the Court of Chancery in Ireland, that neither Wm. Handcock nor Leonard Hatfield had paid in any sums into Court since 13th May 1701 on account of rent for the lands in question. *Dated* 28 Jan. 1705-6. [*Enclosed* in preceding.]

(*k*) Affidavit of Patrick Travers that preceding certificate is in the handwriting of Francis Burton, the usher of the Court of Chancery in Ireland, which he knows well. *Sworn* before Rich. Holford, 11 Feb. 1705-6. [*Attached* to preceding.]

(*l*) 26 Feb. 1705-6. Answer of Sir Arthur Shaen, Bart. His delay in bringing on the Hearing is caused by the refusal of Petitioner to bring into Court a tripartite deed of 31 December 1659, executed by the late Earl of Kildare, upon which Respondent's title to the lands he purchased from him depends. Mr. Robert Porter, Petitioner's agent in Ireland, denies all knowledge of this deed since it was taken out of his custody and carried to London. Hatfield and Handcock have paid no rents into Court, as appears by the usher's certificate, but have kept them in their own hands; and though the lands may be valued at 250*l.* a year, as appeared at the Hearing, these tenants or one of them, obtained a lease of them from the Earl for 100*l.* a year only. Prays that the Order for payment into Court may not be revoked until the tripartite deed has been produced to enable Respondent to proceed to a hearing. *Signed* Arthur Shaen. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

1537. March 14. Water Measure of Fruit Bill.—Commons', Engrossment of an Act for ascertaining water measure of apples and pears. The Bill is almost identical with an Act passed in 1702.* The principal difference is that the fine for not using the regulation water measure is only five shillings in the Bill whereas it is ten shillings in the Act, "one half to the informer and the other half to the poor of the parish where such offence shall be committed." In the Bill this fine is to be levied by the churchwarden or the overseers of the poor: in the Act by the petty constable on the warrant of a justice of the peace, mayor, or other head officer. *Parchment Collection.* [The Bill was brought from the Commons this day, but was apparently dropped in Committee. L. J., XVI. 548, 552, 553. Com. Book 21 March.]

1538. March 20. Robinson's Estate Act.—Consent of Mr. William Williams, great uncle and nearest relation of Sir Thomas Robinson and his sister Anne, to the Bill for the vesting the manor of Overhall and other lands in the county of Suffolk (the estate of Sir Thomas Robinson, Bart., under the age of 21 years) in trustees for the raising 7,000*l.* for the portion of Anne Robinson, his only sister, and for the vesting the lands and personal estate of Anne in Sir Thomas in lieu

* *See* 1 Anne c. 9 in Fol. Ed.

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thereof. Anne's grandmother Amey Lawrence, settled lands worth 226*l.* per annum in trust to raise 3,500*l.* towards Anne's portion and 150*l.* per annum till she should attain the age of 15 years or be married, these sums to be paid her at the day of marriage or age of 21; and by the Will of her mother Dame Anne Robinson, Anne had a moiety of the manors of Gatesbury and Stansfeild, Suffolk, of a mortgage of Agardsly Park, Staffordshire, of another in Norfolk for 500*l.*, of several tenements in St. Catherine's, London, and of her mother's household goods and personal estate. The other moiety belonging to Sir Thomas, the property cannot be divided, so the parties have agreed to secure to Anne 7,000*l.*, the full value of her share, for her portion, in order to her present preferment in marriage, her share of the property going to Sir Thomas in lieu thereof. This cannot be effected without an Act of Parliament, to which Mr. Williams consents. *Dated* 16 Feb. *Signed* Will. Williams. *Sealed* and delivered in presence of John Williams, Wm. Gostling. [Read before the Select Committee this day, and proved by William Gostling. Com. Book. The Bill was brought from the Commons on 4 March. Royal Assent 11 April 1700. L. J., XVI. 535, 579. 12 Will. III. c. 38 in Long Cal.]

1539. March 20. Woollen Manufactures, &c. (Export Duties) Act.—Petition of Frances, Duchess Dowager of Richmond and Lenox, and of her under-farmers of the duties of subsidy and aulnage on woollen manufactures. By some words in the Bill for the taking away the duties upon the woollen manufacturers, corn, grain, bread, biscuit, and meal exported, now before the House, Petitioners' right in the said duties for a term of years yet to come will be greatly prejudiced and in danger of being destroyed. Pray to be heard by Counsel, to offer an amendment to the Bill. *Signed* F. Richmond and Lenox, John Eyles, John Smith. [Read this day. *Ordered* that Petitioners be heard by one Counsel in C.W.H. L. J., XVI. 553. The Bill was brought from the Commons on 14 March. *Ib.* 548. On 23 March, in C.W.H., L. Herbert in the Chair, *Sir Thomas Powys* heard for the Duchess: We desire that the Bill may stand as it was without these words in it "or other sooner determination, except for nonpayment of rent within three months after the same become due and payable." This Act says she is not to recover upon quiet under her Patent. This gives rise for another attempt upon her Patent. If this stands, no relief in Equity can be had upon any forfeiture. *Mr. Sloane* heard for Sir John Iles [Eyles] and Sir John Smith who have paid the Duchess 9,000*l.* for a fine: We hope you will not suffer any prejudice to the Duchess now more than formerly. The words complained of (which are in the middle of Section 2 of the Act, 11 Will. III. c. 20, Fol. Ed.) were omitted, but, on the Commons disagreeing to this amendment, it was not insisted on. MS. Min. L. J., XVI. 557, 565, 566, 570, 571. The Bill received the Royal Assent on 11 April 1700. *Ib.* 578.]

1540. March 20. Child's Estate Act.—Petition of Richard Child, Esq., on behalf of himself and others concerned in interest in a Bill depending before the House for vesting certain lands and tenements late of Sir Josiah Child, Bart., deceased, in trustees for the purposes in the said Bill mentioned. Owing to the distance of the abode of the several persons concerned in the Bill, they could not be brought together to give their consent sooner, so that Petitioner could not offer the Bill before. All parties assent to it, and Petitioner prays for a short day for the Committee to meet. *Signed* Richard Child. [Read this day, and meeting of Committee hastened. L. J., XVI. 554. There

were no amendments. Com. Book 26 March 1700. The Bill was brought from the Commons on 15 March. Royal Assent 11 April 1700. *Ib.* 549, 579. 12 Will. III. c. 43 in Long Cal.]

Annexed:—

(*a*) 26 March 1700. Consent of Edward Bullock, Esq., and Mary, his wife, to the Bill. *Signed* Edw. Bullock, Mary Bullock. *Dated* this day. [Produced this day before the Select Committee. Com. Book.]

1541. March 22. Gaols (Building and Repairing) Act.—Draft of Section 8 of the Act, 11 Will. III. c. 19, to enable justices of the peace to build and repair gaols in their respective counties. The section exempts Peers' houses from distraint for the duties, and was added this day in C. W. H. MS. Min. [The Bill was brought from the Commons on 18 March. Royal Assent 11 April 1700. L. J., XVI. 550, 578.]

1542. March 25. Mansell's Estate Act.—Letter from Mrs. Mansell [to Mr. Thomas Drew]. Mr. Mansell's father left a great incumbrance on the estate, without sufficient provision in his settlement for discharging the debt. She therefore, to prevent the ruin of the estate, joins to have an Act passed for the sale or mortgage of part of the estate to pay off the debt and raise a portion of 2,000*l.* for her younger child or children, with remainder on herself and her son. Desires he will be concerned in seeing the estate settled, after payment of debts and portions, which amount to over 4,000*l.*, according to the deed of settlement, which she has written to her sister Duck to send to him. The estates settled on her marriage are the two impropriations of Llanriddian and Penrice. The lordship of Henlys and other lands, &c., are unsettled, and Mr. Mansell agrees that they should be settled on her and her son, if Llanriddian be mortgaged or sold. Mr. Thomas Mansell, son of Sir Edward Mansell, of Margam, will act with him (Mr. Drew), and she hopes she need not doubt of his kind compliance. Mr. Mansell employs one Mr. Price, a lawyer and Member of the House, in managing this affair in the Commons. *Signed* Your affectionate kinswoman and humble servant M. Mansell. *Dated* Henlys, 18 Dec. 1699. [Produced this day before the Select Committee on the Bill, and the handwriting sworn to by Benjamin Jenkins. Com. Book. The Bill was brought from the Commons on 14 March. Royal Assent 11 April. L. J., XVI. 548, 579. 12 Will. III. c. 41 in Long Cal.]

1543. March 26. Howland's Estate Bill.—Consents of Wriothsley, Marquess of Tavistock, and of Elizabeth, his wife, to the Bill for taking the estate in law of several messuages and lands in the county of Leicester and elsewhere, formerly mortgaged by Sir Henry Hudson and Edward Hudson, his son, to Jeoffrey and Samuel Howland Esqs., their heirs and assigns out of the Marquess of Tavistock and his Lady. *Dated* 9 March 1699. *Signed* Tavistock, E. Tavistock. *Attested* Jo. Spencer, James Legg. Below is the consent of Elizabeth Howland, widow, mother of the Marchioness and administratrix of John Howland, Esq., her husband, deceased, and administratrix *de bonis non* of Jeoffrey Howland, Esq., with his Will annexed, to the same Bill. *Dated* as above. *Signed* Eliz. Howland. *Attested* James Legg. [Produced this day before the Select Committee on the Bill, and proved by James Legg. There was one verbal amendment, which was agreed to by the Commons. Com. Book. The Bill was brought from the Commons on 20 March. Royal Assent 11 April L. J., XVI. 553, 579. 12 Will. III. c. 53 in Long Cal.]

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1544. March 26. Bone Lace Act, 1697, Repeal Act.—Petition of sundry dealers in English bone lace, in behalf of themselves and many thousand dealers in and manufacturers of the said commodity. The making of bone lace has been an ancient manufacture of this Kingdom, for the encouragement whereof many laws have been heretofore made to prohibit its importation from foreign parts. The Bill to repeal the Act for rendering the laws more effectual for preventing the importation of foreign bone lace, loom lace, needlework, point and cutwork, would ruin many families, and particularly such as have entered into the said manufacture upon the encouragement of that Act. Pray to be heard at the Bar against the Bill. *Signed* by Richard Minifie and 56 other persons. [Read this day. *Ordered* as prayed. L. J., XVI. 560. The Bill was brought from the Commons on 23 March. *Ib.* 557. On 28 March, *Mr. Gardner* heard for the Petitioners: This will ruin thousands of families. 10*l.* worth of thread from Flanders makes 100*l.* worth of lace. *John Clarke*, *David Abbot*, *Richard Marriott* and *Jonathan Holland* were then examined. They read the foreign prohibition. *Mr. Gardner* heard upon the Acts of prohibition of bone lace and against the clause relating to the Lord Mayor's appointing [a] place for selling bone lace. *Mr. Clayton* heard for the Bill. The Bill was then read 2ª and committed to C.W.H. forthwith. In C.W.H., L. Herbert in the chair, the last clause was left out. This amendment was agreed to by the Commons. MS. Min. The Bill received the Royal Assent on 11 April. L. J., XVI. 578. 11 Will. III. c. 11, Fol. Ed.]

1545. March 27. Plate (Assayers and Standard) Bill.—Commons' Engrossment of an Act for appointing assayers of plate, and settling the old standard thereof within this Kingdom. Whereas by an Act of Parliament made in the eighth and ninth years of his present Majesty, entitled, An Act for encouraging the bringing in wrought plate to be coined, it is amongst other things enacted, That from and after the five and twentieth day of March, one thousand six-hundred ninety seven, no goldsmith, silversmith or other person whatsoever, should work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver less in fineness than that of eleven ounces and ten penny-weight of fine silver in every pound Troy, nor put to sale, exchange or sell any silver vessel, plate, or manufacture of silver, made after the said five and twentieth day of March (unless it be silver wire or such things as in respect of their smallness are not capable of receiving a mark) until such time as such vessel, plate or manufactured silver should be marked as follows, (that is to say) with the worker's mark to be expressed by the two first letters of his surname, the marks of the Mystery or Craft of the Goldsmiths, which instead of the leopard's head and the lion, should, for that plate, be the figure of a lion's head erased, and the figure of a woman, commonly called Britannia, and a distinct variable mark to be used by the Warden of the said Mystery to denote the year in which such plate is made, upon pain that all such silver vessels, plate or other manufactured silver which should be made, exposed to sale, sold or exchanged contrary to the said Act, or the value thereof, should be forfeited, the one half thereof to the King, and the other half thereof to such person or persons that will seize or sue for the same, to be recovered by action, bill, suit or information in any Court of Record, wherein no essoign, protection, wager of law, or more than one imparlance should be admitted. And if any silversmith, goldsmith or other person should after the said five and twentieth day of March, make any silver vessels, plate or manufactured silver contrary

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to the said Act and the same should be touched, marked or allowed for good by the Wardens or Masters of the said Mystery, or those authorised or employed by them for the assaying and marking of plate, and if in the same there should be found any falsehood or deceit, then the Wardens and Corporation of that Mystery for the time being should forfeit and pay the value of the plate so deceitfully marked; the one-half thereof to the King, and the other half to any person or persons that should buy the same, and be grieved thereby, to be recovered as aforesaid. And whereas, the standard established by the said Act has been found prejudicial to the public in making the said plate dearer and less serviceable to the buyer thereof. It is hereby enacted by the King's most Excellent Majesty, &c., That so much of the said Act only as relates to the working of plate and every sentence and branch contained in the said Act concerning the same, shall from and after the four and twentieth day of June, one thousand seven hundred, be and is hereby repealed, annulled, revoked and utterly made void, anything contained in the said Act touching the clause aforesaid in anywise to the contrary notwithstanding. And for the more effectual preventing of frauds and abuses in the silver manufacture of this Kingdom, Be it enacted by the authority aforesaid, that from and after the said four and twentieth day of June, eleven ounces two pennyweight of fine silver in the pound Troy, with eighteen pennyweight of alloy shall be the standard of silver plate throughout the Kingdom of England, Dominion of Wales and town of Berwick-upon-Tweed. And for the better putting this Act in execution, the several cities and town within this Kingdom hereinafter mentioned, shall be and are hereby appointed for the assaying and marking of plate, viz.:—the cities of York, Bristol, Exeter, Chester, Norwich and the town of Newcastle-upon-Tyne. And the better to enable the said cities and town aforesaid to execute the powers and authorities and the directions given by this Act, Be it enacted by the authority aforesaid, That in every of the cities and town aforesaid the goldsmiths, silversmiths, and plate workers who are or shall be freemen of, and inhabiting within, such city or town and having served an apprenticeship to the said trade of goldsmith, silversmith, or plate worker, shall be and are hereby distinctly, severally and respectively incorporated a Company of or belonging to such city or town, and shall be called and known by the name of the Company of Goldsmiths of such city or town respectively, which Company of such city or town shall be enabled, and are hereby authorised annually, to choose three persons to be Wardens of the said Company in each of the said cities or town respectively, which said Wardens shall continue for one year and no longer, unless re-elected by the said Company. And if any of the said three persons so chosen as aforesaid shall happen to die, or remove out of such city or town, then the said Company shall, within a month after the death or removal of any such person, choose another person of their Company in his room, and such person so chosen is hereby empowered to act accordingly. And be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, no goldsmith, silversmith or other person whatsoever, shall make or sell, or cause to be wrought, made or sold, any silver vessel, plate or manufacture of silver less in fineness than that of eleven ounces and two pennyweight of fine silver in every pound weight Troy with eighteen pennyweight of alloy, nor put to sale, exchange or sell any other vessel, plate or manufacture of silver that shall be made after the said four and twentieth day of June, until such time as such vessel, plate, or manufactured silver shall be marked as followeth (that is to say), with the worker's mark to

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be expressed by the two first letters of his surname, the mark of the Mystery or Craft of Goldsmiths, which instead of a lion's head erased and the figure of a woman, commonly called Britannia, shall be the leopard's head and the lion, and a distinct mark to be used by the Wardens of the said Companies to denote the year wherein such plate is made, together with the arms of such city or town, upon pain that all such silver vessels, plate or other manufactured silver which shall be made exposed to sale or exchanged contrary to this Act, shall be forfeited, or the value thereof, the one half thereof to the King, and the other half to such person or persons as shall sue for the same to be recovered by action of debt, bill, suit or information in any Court of Record in any county or place wherein such offence shall be committed, and wherein no essoign, protection, wager of law, or any more than one imparlance shall be allowed. And if any goldsmith, silversmith, or other person shall, after the said four and twentieth day of June make any silver vessel, plate or manufactured silver contrary to this Act, and the same shall be touched, marked or allowed for good by the respective Wardens of the said Companies or those authorised for the assaying and marking of plate; and if in the same there shall be found any falsehood or deceit, then the respective Wardens or other persons so touching marking and allowing the same for good shall forfeit and pay the value of the said plate so touched, marked and allowed to be recovered in manner as aforesaid. And be it further enacted by the authority aforesaid, That in all the said cities and town there shall be an able and skilful man, experienced in assaying of gold and silver, elected by the said Companies of Goldsmiths of the aforesaid cities and town respectively, who shall have the trial and assaying of all such plate as shall be brought to him to be touched. And if the said assayer shall find the same to be of the goodness of eleven ounces and two pennyweights Troy with eighteen pennyweight of alloy, that then the same shall be marked with the marks before mentioned, and the said assayer shall receive and deliver the same by weight to the owner or bringer in thereof, excepting eight grains only upon every pound weight Troy, which each assayer is hereby empowered to take from every pound weight Troy of plate, to be disposed of as hereinafter mentioned; that is to say, four grains thereof shall be taken and put into a box, which four grains shall be called the Diet; and the other four grains shall be allowed to each respective assayer, for his waste and spillings in making the trial of the said plate. And it is hereby further enacted, That every assayer shall, at the entrance upon his office, take the oath following, viz., I, A. B. do swear that I will be faithful and true to our Sovereign Lord King William, and will, so long as I shall continue an assayer, well and faithfully behave myself in the said office, and no profit to myself take to the hurting or hindrance of any person that is owner or bringer in of any gold or silver in plate to be assayed, except of plate wrought only four grains of every pound weight to be taken and put into the box of Diet, and other four grains to be taken likewise of every pound weight of plate wrought and not otherwise, towards my waste and spillings in making the said assays, and that I will touch no gold but what shall be of the goodness of two and twenty carats, and no silver but what shall be of the goodness of eleven ounces and two pennyweights. Also all such gold and silver as shall be brought to me to be touched, I will truly set down in writing and the same at all times as I shall be required will duly and truly deliver again, except eight grains as aforesaid, and will true accounts make thereof when thereunto required by the Wardens of such Companies wherein I am

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chosen assayer. And that I will no assays make of things new wrought before they be marked with the mark of the owner or maker thereof, and that I will not put into the aforesaid box any silver but that silver which I shall shave, scrape and take from the plate which I shall assay, mark and pass for standard, So help me God. Which oath the mayor or chief magistrate in the respective cities and town aforesaid is hereby required and empowered to administer to such assayers. And it is hereby further enacted, That the box or boxes wherein the Diet of all such plate as shall be tried by the assayers aforesaid, shall be locked up with three different locks, and the respective keys thereof shall be kept by the Wardens of such respective Company by whom such assayer shall be elected and chosen, which box or boxes shall be conveyed as oft as required by the Wardens to his Majesty's Royal Mint at the Tower of London, together with the keys belonging to the same; there to be tried as the coin of the Kingdom is tried. And if in any of the said Diets there shall be found any falsehood or deceit, then every of the said Wardens of every such Company shall for every such offence forfeit the sum of one hundred pounds, to be recovered as in manner as aforesaid. And that if any plate shall be touched, marked or allowed for good by any of the assayers of the respective places aforesaid, and if in the same there shall be found any deceit, then the assayer who so marked the same shall forfeit double the value of the plate so marked to be recovered in manner as aforesaid. And be it further enacted by the authority aforesaid, That from and after the said four and twentieth day of June every goldsmith, or other worker in gold or silver, inhabiting in any of the cities or town aforesaid, or in any other town or place within this Kingdom where an assayer is not, or shall not be appointed shall take the oath following (viz.): I, A.B. do swear that I will be faithful and true to our Sovereign Lord King William, and true gold and silver without deceit will work and cause to be wrought, so that the gold that I shall work, or cause to be wrought, shall be as good as that of two and twenty carats; and the silver that I shall work, or cause to be wrought, shall be as good as that of eleven ounces and two pennyweights, So help me God. Which oath shall be administered unto them by the mayor or chief magistrate of the cities or town respectively, who is hereby required and empowered to administer the same. And that every such workman shall, at the same time, enter his name and his mark and place of abode with the Wardens of such Company of that city or town respectively in or next to which he shall inhabit or dwell. And if any workman shall strike any oth r mark on plate, than what is so entered, such workman shall forfeit double the value of the plate so marked, to be recovered in manner as aforesaid. And be it further enacted by the authority aforesaid, That every goldsmith, silversmith or other person whatsoever within this Kingdom that shall after the said four and twentieth day of June work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver less in fineness than that of eleven ounces and two pennyweight of fine silver in every pound Troy, with eighteen pennyweight of alloy, or put to sale, exchange, or sell any silver vessels, plate or manufacture of silver made after the said four and twentieth day of June (unless it be such things as in respect of their smallness are not capable of receiving a mark) until such vessel, plate or manufactured silver shall be marked with the worker's mark to be expressed by the two first letters of his surname, and likewise with such other marks as shall be used by the particular assayer in or near the place where such plate is made, such person or persons shall forfeit double the value of such

1700. — No. 1545. plate to be recovered as aforesaid. And be it further enacted, That if any person shall counterfeit any of the stamps appointed by this Act to be used by the said Wardens or assayers for marking wrought plate, such person shall for every such offence forfeit the sum of five hundred pounds, to be disposed and recovered in manner as aforesaid, and shall likewise suffer imprisonment for the space of one whole year. And whereas it is not the intent and meaning of this Act to hinder any person or persons not inhabiting within any the cities or town aforesaid from exercising his or their trades of goldsmiths, silversmiths, or plateworkers, yet for preventing of abuses and corruption therein, it is hereby further enacted, That all and every goldsmith, silversmith and plateworker inhabiting in any town or place where an assayer is not or shall not be appointed, elected or chosen, shall first fix his or their mark upon all his and their plate which shall be made from and after the said four and twentieth day of June, except such things as by reason of their smallness are not capable of receiving a mark, and shall then bring or send the same to the next city or town where an assayer is or shall be appointed, elected or chosen, and the same shall be there assayed according to this Act. And if by the said assayer it shall be found to be of the fineness appointed by this Act, then the same shall be marked by the said assayer as he is by this Act required to mark the plate of the respective Company by which he shall have been chosen an assayer, Provided always that nothing in this Act contained shall extend or be construed to extend to alter the mark of any silver vessel, plate or manufactured silver to be made, wrought, sold or put to sale after the said four and twentieth day of June within the city of London and weekly Bills of Mortality, but that the same shall and may be marked in such manner as has been formerly accustomed and used by the Wardens of the Company of Goldsmiths of the city of London, before the making of the above-recited Act. And be it further enacted by the authority aforesaid that all such persons as shall have assay and touch at Goldsmiths' Hall shall take the same oath as the Freemen of the Company of Goldsmiths, London, do in relation to the true working of gold and silver, which oath the Wardens of the said Mystery are hereby empowered to administer. And be it further enacted by the authority aforesaid, That all such manufactured plate as shall be wrought within this Kingdom from and after the said four and twentieth day of June, being of the goodness of eleven ounces and two pennyweights and marked, as by this Act is directed, shall and may be exported to any of his Majesty's plantations, paying the usual duty. *Parchment Collection.* [Brought from the Commons this day. L. J., XVI. 561. On 4 April, in C.W.H., L. Ferrers in the Chair, *Dr. Newton* was heard, and says, the Officers of the Mint have commanded him to lay before this House their opinion. The money will be melted down more easy. *Mr. Hoare* heard for the Bill. *Dr. Newton* says, I am afraid the more plate is made the more danger the money will be in. They withdrew. The House was resumed. MS. Min. The Bill was then dropped.]

1546. March 27. Piracy Act.—Draft of a Clause, marked A, forming Section 15 of the Act for the more effectual suppression of piracy, 11 Will. III. c. 7, Fol. Ed. [The Bill was brought from the Commons on 23 March. L. J., XVI. 557. On 27 March, in C.W.H., E. Stamford in the Chair, the above clause and another (Annex (*a*)) were added, and various other amendments, mainly of a drafting nature, were made. MS. Min. The Bill received the Royal Assent on 11 April. L. J., XVI. 578.]

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Annexed :—

(*a*) 27 March. Amended Draft, marked B, of Section 18 of the above-named Act, added this day by the Lords in C. W. H. MS. Min. The amendments made in the clause, as originally drafted, were to insert the date, to substitute the words, or shall refuse to bring home, for the words, and not endeavour to his utmost to bring home, and the words, being thereof legally convicted, &c., to the end, for the words, be punished with.

1547 March 28. Adornes Ronsele.—Letter from Adornes Ronsele to the House, as follows :—

May it please your Lordships,

Whereas I am the greatest sufferer upon the English account that ever has been. I hope your Lordships will not take it ill, if I take the freedom to acquaint your Lordships with my lamentable circumstances since the reduction of Ireland. Having some notions that the Roman religion was not the true one, which I durst not examine in Flanders (my native country) I married in London Mrs. Louise Carteret, niece to Sir Edward Carteret, and having raised considerable sums of money upon my estate, I brought her to Ireland and settled in Connacht [Connaught], anno 1686, which money was employed in stock, etc. The wars broke out soon after, and being importuned by the Marquis d'Albeville and others to serve the late King James, I constantly refused it, embracing courageously the good English cause, though then a Roman Catholic. First I was suspected that I would deliver the house and castle of Shrule, where I lived, (belonging to my Lord Clyrickard [Clanricarde]), into the hands of the English, who were thought to be in their way from Sligo to Galway, for which I was highly affronted and in great danger of my life. And not long after (when they thought to assassinate me at the General Assembly of Ballinrobe) the whole county having conspired against me, and sworn my death as a rebel, I fled to Galway, leaving all my substance behind me, where I did all the service I could to the poor distressed English and to numbers of prisoners of war, amongst whom were several officers, maintaining the greatest part of them with victuals, money, clothes, tobacco, etc., for the space of 22 months, furnishing them with all necessaries when they were released. I have procured many passes under hand for poor English people, giving them saddles, bridles, money, according as every one wanted it, to repair to his Majesty's army, and several by my contrivance, and good counsel of my wife, stole away in the night to make their escape ; for all which I have paid very dear. King James's frigate lying in the harbour of Galway, and ready to sail to the rebels in Scotland, carrying 14 guns and 6 pateraroes, laden with provisions and ammunition, and was thought to be worth 2,000*l*., was, by my contrivance, my life lying at stake for it, taken away by the English prisoners and brought safe to Dublin in my Lord Coningsby's time, not being possible for me to run away with them, because of my wife and family ; which has been looked upon as a very bold action, and an extraordinary service besides the value of the ship, and that the rebels were disappointed. But the Irish highly incensed for my great zeal and affection to the English, had me several times arrested, and twice put upon the main guard as a rogue ; sometimes confined in my chamber, and finally, when all was

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either lost or consumed (having sold the very chairs of my house to maintain my family, the prisoners, and some poor or distressed English families) I was thrown, as a vagabond, into the common nasty dungeon, from whence the poor prisoners were purposely removed and put into a clean place (the better to mortify me) so that I was worse used than a dog, having no manner of comfort or allowance, and lived upon providence, being sick to die, all which hardship was so great that I had never my health since to my great sorrow; and if Galway had not been surrendered, I should have been hanged as a traitor, which appeareth out of this following letter written to my wife, viz.: By my Lord Lucan's orders, I let you know that your husband's enlargement cannot be granted upon any account, for the French general is satisfied that he came into this country to get intelligence for the enemy, and therefore your request cannot be granted. From the camp, 10 July, 1691; and was signed John Geydon. But my Lords, if I had been hanged, I should have died gloriously, and upon an honourable and just subject, and should have died but once, whereas I have died a hundred times since, overladen with grief and affliction and misery, which my poor wife and I have endured this terrible long while. Having thus escaped the Irish fury, the Lords Justices Poorter [Sir C. Porter] and Coningsby were pleased to give me something out of the Concordatum, having then nothing in the world left me, with an honourable recommendation to the Lords of the Treasury, who were very kind to me, otherwise I might have perished with hunger; and my misery has increased by the expenses my wife has sustained in Flanders these 8 years against the creditors from whom I had raised the money upon my estate which was lost in Ireland, which have been greater than all the allowance given me by the Government. And finally, not being able for want of money to withstand the said creditors, the whole estate was sold for little or nothing, and consequently at my great disadvantage 12 March 1699[—1700] to the entire destruction of myself and family, I being in debt here and my wife in Flanders. It is now 9 years ago, my Lords, that I have laboured to have some recompense of my services and my great zeal and affection to the King and Government; but for want of friends and interest, though all the Lords Justices have spoken and written in my behalf, I have obtained nothing but of late, so that my condition has been worse than that of an ordinary servant, and besides either despised or slighted almost by everybody, which yet grieves me more than all my losses, sufferings and troubles. Two years ago, his Majesty was pleased to refer my petition to the Lords Justices of Ireland, who referred the same with all the certificates, to Mr. Broderick, the King's Solicitor-General, who in the latter end of his Report says—I am convinced that he is reduced to the last degree of necessity, and almost to despair, and therefore am humbly of opinion that your Excellencies will deserve very well of all the Protestants of Ireland, for whom your petitioner has expressed so much tenderness and humanity in relieving of them as many as he had opportunity to relieve, and will do an act pleasing to God and all good men, if you think fit, to recommend him, etc. Nothing could be said more to put an end to my misfortunes. This reference having no effect (which caused my entire ruin, giving the mortal stroke

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to all my concerns, because soon after my estate was sold) I did present a petition to the House of Lords here 13 months ago, and their Lordships did me the favour to recommend me to the King. Whereupon, his Majesty was most graciously pleased to give me a grant of 200*l.* a year out of the forfeited estates, which lands being found out with much ado in October last, and all being ready to be signed by the Commissioners, we heard the resolution of the Parliament of recalling the King's grants, and so I have lost my 9 years' labour, besides the money I have spent about it, and going 3 times backwards and forwards from Dublin to London; so that I am the most unfortunate person that ever lived, not having received one farthing of this gratuity, contrary to the other patentees. Here, my Lords, you see the most lamentable case in the world, and no pen can express what sorrow, grief, miseries and inconveniences I have undergone here, and my poor wife in Flanders these 9 years, which is a longer time than an apprenticeship. During that time I have lived without a servant, though I have a daughter with me of 13 years old, who deserves great pity from all persons of honour, for it was her estate, settled upon her before the war, that was sold in Flanders and upon which the money was raised which was lost in Ireland, so that my faithfulness to the English Government has rendered her a most unfortunate creature. In a word, my Lords, the miseries we have endured, which are now greater than ever, would move the very stones and break a thousand times the hearts of persons of greater courage and patience than we. For I find myself without friends or credit, the only nobleman of my country that is a Protestant, banished from my country for religion's sake, with the irrevocable loss of all the titles and prerogatives of my house. In all appearance, my Lords, this great misfortune would not have befallen me, if I had not so effectually and sincerely embraced the interest of the King and Government, whom, I dare say, I have really served not out of hope of any advantage, as it may easily be proved, for my troubles and losses are too great; but out of a free mind and tender affection; my wife's having been the same. And therefore I desire your Lordships most humbly to do me that justice as to consider what a lamentable case this is for a person of quality, whose ancestors have been 25 times Dukes of Genoa, and have almost lived 500 years in the city of Bridges [Bruges] in Flanders, in great lustre and splendour (according to the certificates thereof) to have been reduced even [ever] since the reduction of Ireland to move heaven and earth, as it were, to get a piece of bread, which God knows, is eaten in tears and sorrow,—which made a great person say not long ago, that God did sufficiently try my poor family, and that it was a wonder that I did not run distracted. Another person of great repute said, that it was a burning shame, that a stranger and a person of quality had been left all this long while in that miserable condition for want of friends, after having sacrified all his substance to the English interest, but alas! *ad quid servit pietas, quæ non jurat.* Now, my Lords, I do not know what will become of me, and that perhaps for want of subsistence, necessity will force me to go, God knows whither: and therefore I hope your Lordships will be so gracious as not to take it ill, if, oppressed with mortal grief and uncertain what to do with my family, I have taken the freedom to acquaint your Lordships, as

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well as I have acquainted the House of Lords here, what I have undergone upon the English account, assuring in the meanwhile your Lordships, that I would still do what I have done, and with the same readiness and affection, if I had the opportunity again, of which all the Lords Justices have been very well persuaded, as also the Honourable Privy Council, who highly pity my condition, and would not let me live so miserably, as I do, if the small Concordatum could permit it. His Excellency my Lord Galway and the Lords Archbishops of Dublin and Tuam know more particularly our doleful circumstances here, and my wife's in Flanders, who has contracted a lameness in the last Irish war, which is one of the greatest misfortunes of the world for a young person. I do not know, my Lords, if the Act against the King's grants comprehends my grant or not, because it was never signed, however, for fear of mistake and offence, I dare make no applications to the Honourable House, by presenting a petition, whose resolutions I highly honour. And therefore, my Lords, after having most humbly begged your Lordships' pardon for this great trouble, pray give me leave to subscribe myself with great submission and veneration, my Lords, your Lordships' most humble, obedient and most faithful servant. *Signed* Adornes Ronsele. *Dated* Dublin, 21 March 1699. [On 28 March the L. Chancellor acquainted the House that he had received a letter directed to the House. The letter is signed Adornes Ronsele. The conclusion of the letter was read. MS. Min. No entry in L. J.]

Annexed:—

(*a*) March 21. Paper entitled, Recommendations and orders in favour of the Baron of Courthny Ronsele. This paper contains copies of various letters and other documents with reference to the above letter to the House of Lords, viz.:—

(a^1) Letter to Lord Nottingham, dated Aug. 9, 1692, from Charles Poorter and Lord Coningsby, recommending Petitioner to their Majesties' bounty.

(a^2) Letter to Lord Godolphin from Lord Galway, dated June 28, 1694, from the camp of Cambiole, in Savoy, recommending Petitioner's case to be favourably reported to her Majesty.

(a^3) Letter to Sir William Trumball, Secretary of State, from Lord Montrath and Lord Drogheda, dated March 23, 1696, from Dublin Castle, setting out Petitioner's misfortunes and recommending him to some competent relief.

A note follows stating that this recommendation was referred by the King to the Lords Justices of Ireland in May 1697. They referred it to Mr. Broderick, the Solicitor-General, who made a favourable report, extracts of which are quoted.

(a^4) Extract from the Journals of the Irish House of Lords, Jan. 12, 1698, recommending Petitioner to the Lords Justices of Ireland as a proper object of his Majesty's charity and compassion. L. J. (Irish), I. 733. To this is added "I was relieved half a year after with 28 pounds."

(a^5) Letter to the Lords of the Treasury from Lord Winchester and Lord Galway, dated October 11, 1697, from Dublin Castle, stating the misfortunes of the Petitioner and recommending him to the King's bounty. To this is added, "This recommendation "is to be put before that of the Lords Spiritual and Temporal, "but had no effect."

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(a^6) Answer of the Lords of the Treasury by his Majesty's Orders upon the recommendation of the Lords Spiritual and Temporal (*see* a^4) to the Lords Justices of Ireland. *Signed* Tho. Montagu, Littleton, Tho. Smith. Dated, May 30, 1699. This letter states that his Majesty had commanded that a list should be transmitted of so many forfeited estates as amount to the yearly value of 200*l.*, in order that the same might be laid before his Majesty for his further direction therein. To this is added, "The Parliament of England having recalled all the King's grants, my 9 years' negotiation is come to nothing."

1548. April 4. Wool (Prohibition of Exportation).—Account by the Commissioners of the Admiralty of ships cruizing to prevent the exportation of wool, in accordance with an Act, 10 Will. III. c. 16. Presented this day by L. Haversham, pursuant to Order of 2 April, and read. L. J., XVI. 569. *In extenso.*

1549. April 6. Forfeited Estates (Ireland) Act.—Engrossed Clause added this day in C.W.H. to the Bill, For granting an Aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned. The Clause was disagreed to by the Commons and not insisted on by the Lords. It is marked A and is set out *in extenso* in C. J., XIII. 318, the only difference being that the year at the end is 1701 instead of 1700. [The Bill was brought from the Commons on 3 April. L. J., XVI. 567. After first reading, a debate arose Whether it should be read 2ª, which was adjourned. On 4 April, on the debate being resumed, the entry 23 Feb. 1691 was read out of the Journal. *Moved* to reject the Bill. *Moved* to read the Bill a second time in order to commit it. After debate, the Second Reading was carried by 70 to 23. Tellers: E. Anglesey, E. Rivers. MS. Min. On 5 April, in C.W.H., L. Herbert in the Chair, the title and preamble were postponed; the first enacting clause was postponed, after a division, by 44 votes to 39. Tellers: D. Richmond, E. Kingston. Then the Bill was agreed to down to Press 40. The clause concerning L. Baltimore in Press 40 agreed to. *Agreed* to the clause [concerning] Pendegrasse and Delarew. John Leisley clause read. A clause desired to be added to the Bill in behalf of John Burt [Burke] commonly called Lord Bophoun [Bophin]. The land tax read; [Bill read] to Press 51, except postponed [clause]. House resumed and to be again in Committee to-morrow. MS. Min. On 6 April the House was again in Committee. The Committee proceeded to read from Press 51, and agreed to the several clauses. The clause of Commissioners of Excise not to be members of the House of Commons [read]. After debate, the *Question* was put, Whether this clause shall stand part of the Bill? *Resolved* in the negative. Contents 33, Not Contents 56. Tellers: L. Ferrers, L. Byron. In Press 100, line 12 [*Agreed to*] leave out from the word, term, to the word, and, in Press 101, line 8. The other clauses agreed to the end of the Bill. Then the postponed clause was read. *Proposed* to amend it. A proviso was offered and read, and added after the word, notwithstanding, in Skin 3, line 33, by 45 votes to 20. Tellers: E. Scarsdale, L. Ferrers. [This was the clause above marked A.] Then the preamble and title were read and agreed to, and the Bill was reported with amendments. MS. Min.—On 8 April after Third Reading, a rider was offered to be made part of the Bill, and read. After debate, the *Question* was put, Whether this rider shall stand part of the Bill? *Agreed to* by 46 to 26. Tellers: V. Longueville, L. Ferrers. (Annex (*a*).) Then another proviso or rider

1700. — No. 1549. was offered and read. The *Question* was then put, Whether it should be added? * It was resolved in the affirmative. Contents 37, Not Contents 26: the same Tellers as in the last division (Annex (*b*)). Then the Bill was passed with the amendments, and returned to the Commons. MS. Min. On 9 April, on the Commons disagreeing to the Lords' amendments, the *Question* was put, Whether this House shall insist on their amendments? The *Previous Question:* Whether this *Question* shall be now put?—was carried by 44 to 35. Tellers: D. Somerset, L. Ferrers. The *Main Question* was then put and carried by 47 to 34. Tellers: E. Scarsdale, L. Ferrers. MS. Min. On 10 April, on the message being brought from the Commons for a Free Conference, *Moved* to have the Conference to-morrow. *On Question:* Whether the Free Conference shall be appointed presently? Contents 40, Not Contents 38. Tellers: E. Rivers, L. Ferrers. After the Conference, the L. President reported that they had attended at the Free Conference, and that Sir Edward Seymour said that they [the Commons] did insist for the former Reasons, and that, as for their Lordships' Reasons, they did not think fit to consider of them; and they left the Bill with the Committee. *On Question:* Whether this House will adhere to their amendments? *Resolved* in the negative. Contents 40, Proxies 3, Not Contents 37, Proxies 6. Tellers: E. Anglesey, L. Lexington. *Præsumitur pro negante. On Question:* Whether this House will agree with the House of Commons? Contents 39, Not Contents 34. The same Tellers as in the last division. The House then took notice of some words that fell from the L. Bishop of Salisbury upon what the E. of Anglesey [said], to this effect—: It was stuff. The House heard the Bishop explain himself and did no more. MS. Min. The Bill received the Royal Assent the following day. L. J., XVI. 577. 11 Will. III. c. 2, Fol. Ed.]

Annexed—

(*a*) 8 April. Engrossed Clause marked B, added this day by the Lords on Third Reading, but disagreed to by the Commons and not insisted on by the Lords. MS. Min. C. J., XIII. 318. *In extenso.*

(*b*) 8 April. Engrossed Clause marked C, added this day by the Lords on Third Reading, but disagreed to by the Commons and not insisted on by the Lords. MS. Min. C. J., XIII. 318. *In extenso.*

(*c*) 9 April. Commons' Reasons for disagreeing to the Lords' amendments, reported from the Conference this day. L. J., XVI. 573–4. *In extenso.*

(*d*) 10 April. Paper containing the Lords' amendments (*see* next paper), the text of Clauses A, B, and C above, and the Commons' Reasons for disagreeing to the Lords' amendments (*see* preceding paper). *Endorsed* as delivered by the Commons at the Free Conference this day.

(*e*) 10 April. Lords' amendments to the Bill. C. J., XIII. 318. *In extenso.* The amendments to which the Commons disagreed are marked. *Endorsed* as not insisted on this day.

1550. May 23. Prorogation—Commission for proroguing Parliament to 20 June. *Parchment Collection.* L. J., XVI 581–2. *In extenso.*

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* This Question, obviously by mistake, is given as being whether the Bill shall pass.

1551. Oct. 24. Prorogation—Commission for further proroguing Parliament to 21 Nov. *Parchment Collection.* L. J., XVI. 587. *In extenso.*

1552. Nov. 21. Prorogation—Commission for further proroguing Parliament to 16 Jan. *Parchment Collection.* L. J., XVI. 588. *In extenso.*

1553. Feb. 6. Prorogation.—Writ, dated 5 Feb., proroguing Parliament from this day to Feb. 10. *Parchment Collection.* L. J., XVI. 590. *In extenso.*

1554. Feb. 6. Garter's Roll.—A Roll of the Nobility of England, delivered to the Clerk of the Parliaments. *Signed* Tho. St. George, Garter. It contains 167 names. *Parchment Collection.*

1555. Feb. 10. Test Roll (30 Car. II. Stat. 2, c. 1). Roll for the Parliament begun this day containing the signatures (144) of Lords to the Declaration in the Act of 1678 for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament. *Parchment Collection.*

1556. Feb. 10. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to the following Peers, who took the Oaths this day. L. J., XVI. 591–2.

(1.) Charles, D. Bolton.
(2.) George, D. Northumberland.
(3.) John, M. Normanby.
(4.) John, E. Bridgwater.
(5.) Basil, E. Denbigh.
(6.) Henry, E. Grantham.
(7.) Robert, E. Leicester.
(8.) Robert, E. Lindsey, Lord Great Chamberlain of England.
(9.) Daniel, E. Nottingham.
(10.) Edward, E. Orford.
*(11.) Other, E. Plymouth.
(12.) Thomas, E. Thanet.
(13.) Henry, V. Longueville.
(14.) Nathaniel, V. Say and Seale.
(15.) John [Williams], Bishop of Chichester.
(16.) Nathaniel [Lord Crewe], Bishop of Durham.
(17.) Simon [Patrick], Bishop of Ely.
(18.) Richard [Cumberland], Bishop of Peterborough.
(19.) William [Lloyd], Bishop of Worcester.
(20.) William, L. Byron.
(21.) Nathaniel, L. Crewe.
(22.) William, L. Dartmouth.
(23.) Francis, L. Guilford.
(24.) Charles, L. Granville.
†(25.) John, L. Haversham.
(26.) Robert, L. Lucas.
(27.) John, L. Paulett.
(28.) John, L. Vaughan.
(29.) Richard, L. Willoughby de Broke.
(30.) Robert, L. Willoughby de Eresby.

* Appears in MS. Min. as sitting this day, but the name is not in L. J., nor does it appear by the Test Roll that the Earl ever took the Oaths. His name appears in MS. Min. on 16 May 1700 among those of Lords absent on a Call of the House. No entry in L. J.

† Signs the Test Roll this day, but is not entered in L.J.

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1557. Feb. 11. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to the following Lords, who took the Oaths this day. L. J., XVI. 593.

(1.) Mainhardt, D. Schonburg.
(2.) Edward, E. Jersey.
(3.) Richard, E. Rivers.
(4.) William, L. Berkeley de Stratton.
*(5.) Charles, L. Halifax.
(6.) John, L. Jeffreys.
(7.) John, L. Somers.

1558. Feb. 11. King's Speech.—King's Speech to both Houses this day. L. J., XVI. 594. *In extenso.* [The Speech was read this day. *Moved* that the House take it presently into consideration. *Ordered* that the consideration of his Majesty's Speech shall be taken up to-morrow, and that all the Lords be summoned to attend and acquainted what the business is. MS. Min. On 12 Feb., the above order being read, *Proposed* to thank the King by Address for the care he has taken for the succession to be continued in a Protestant line, and to assure him that you will stand by him in all you can in desiring him to enter into such alliances that may attain the ends desired by his Speech, the interest and peace of England, and the security of the Protestant religion, and the peace of all Europe. Then a Select Committee appointed to draw the Address. MS. Min. L. J., XVI. 595. On 13 Feb., in the Select Committee, E. Peterborough in the Chair, the Order is read. *On Question*: Whether the preamble in the Draft of an Address now read shall stand? *Resolved* in the Negative. Contents 4, Not Contents 10. *On Question*: Whether the last paragraph shall stand? *Resolved* in the affirmative. Contents 9, Not Contents 3. Then an Address was agreed and read, and ordered to be reported. Com. Book 13 Feb. The Address was reported the same day. The first paragraph was amended, and the other three paragraphs were agreed to, the last after debate, *On Question.* Then the Address was re-committed, to be altered in some parts thereof. MS. Min. L. J., XVI. 596. Some amendments and alterations were made in Select Committee the same day, and the Address was ordered to be reported Com. Book 13 Feb. The Address was reported the same day and agreed to. *Ordered* that it be sent to the Commons for their concurrence by two of the Judges, who were ordered to attend on the following day at 11 o'clock. MS. Min. On 14 Feb. the Address was sent to the Commons, who returned it on the 17th, and informed the House that they had agreed upon a Vote to be presented to the King. L. J., XVI. 597, 600. Thereupon, the same Committee which had drawn the former Address was appointed to draw up an Address to his Majesty upon the debate this day.† Then the House adjourned during pleasure to go to the Committee. MS. Min. The same day, in the Select Committee the Address formerly agreed by the House was read, and other paragraphs relating to the letter† this day communicated

* Took his seat, L.J., XVI. 593. *In extenso.*

† The letter to the Earl of Perth is set out *in extenso* in L. J., XVI. 598–600. On 17 Feb. the letter was read. House moved to print the letter. *Moved* to disarm Papists and disaffected persons. *Moved* to make an Address to the King to fit out a fleet. *Moved* to appoint a day to consider in whose hands we are. The letter was read again. *Moved* to thank the King for communicating this letter, and that he will give order for disarming disaffected persons, and desiring him to fit out a fleet with all speed, and assure his Majesty that this House will assist him in all things they can do. *Ordered* that the letter be printed. Lords' Committees appointed to draw an Address to be presented to his Majesty upon the debate. MS. Min. 17 Feb.

from the King were added. Com. Book 17 March. The Address was reported the same day and agreed to, after debate. L. J., XVI. 600. The King appointed 18 Feb. for receiving the Address, and the House agreed to meet at Kensington for that purpose. MS. Min. 18 Feb. For the two Addresses *see* L. J., XVI. 596, 600.

1559. Feb. 12. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to the following Lords, who took the Oaths this day. L. J., XVI. 595.

(1.) George, D. Cumberland.
(2.) John, L. De la Warr.
(3.) Ralph, L. Eure.

1560. Feb. 12. Yeoman Usher of the Black Rod.—*Memorandum concerning the Yeoman Usher's place, as follows:—The 7th Nov. 1690. Be it remembered that the day and year abovesaid Mr. John Wynyard died, and was buried at St. Margaret's, Westminster, the 13th Nov., and upon the 15th of the same, at the request of Sir Thomas Duppa, Gentleman Usher of the Black Rod, in consideration of a sum of money then paid him by Mr. Benjamin Coolinge, to the said Sir Thomas Duppa, upon the 15th of the said month prevailed with the Right Hon. the Earl of Rochester, who acquainted the House of Lords, then sitting, that the said Mr. Wynyard being dead and buried, it was the right of the Black Rod to put in a Yeoman Usher under him in the said place, which in due respect to their Lordships he desired they might be acquainted with. Whereupon the Earl of Macclesfield made some question whether the Lord Great Chamberlain had no claim to it. Upon which the Black Rod's Patent was called for, and read by the Clerk at the Table, which gave the Lords full satisfaction, and the Lord Halifax and Lord Rochester declared then that their Lordships had nothing to do in it. Thereupon the Black Rod called in the said Mr. Benjamin Coolinge into the House, and put him into waiting in the said place of Yeoman Usher. *Endorsed* 12 Feb. 1700. Sir David Mitchell concerning Yeoman Usher. [On 11 Feb. the House was informed that the Yeoman Usher (Mr. Coolinge) was dead, and the House wanted an officer; that the Gentleman Usher had appointed one, and that Mr. Coolinge's son had a Patent for that office. *Ordered* that it be referred to the Committee for Privileges to report on the right and claim of both parties. L. J., XVI. 594. MS. Min. On 12 Feb., at the Committee for Privileges, the Order of Reference is read. *Sir David Mitchell*, at the Bar, says what he has done was pursuant to Sir Thomas Duppa's Journal, which he delivered in and it was read, as also a Minute out of the foul Journal of this House. 15 Nov. 1690 (Annex (*a*)). *Mr. Coolinge*, at the Bar, offers a paper (Annex (*b*)), and desires it may be read, which was read, being a state [ment] of his case, and also a certificate of Mr. Wynyard's being sworn King's servant. *Mr. Coolinge* delivers his Patent. The Patent was read and bears date 18 May 30 Car. 2. *Sir David Mitchell* desires that Sir John Stanley and the Secretary's books may be sent for, for he tells him Mr. Wynyard was never sworn. *Mr. Coolinge* desires he may attend by virtue of the Great Seal until a better title to the office be made out. They withdraw. After debate the *L. Chamberlain* undertook that Sir Jo. Stanley should attend at the next meeting with the above-mentioned books.—On 17 Feb. my Lord Chamberlain acquaints

* This is probably the entry in Sir Thomas Duppa's journal which Sir David Mitchell produced before the Committee for Privileges this day. Priv. Book 12 Feb.

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the Committee that Sir John Stanley attends at the door with the L. Chamberlain's books. *Sir John Stanley*, being called in, shows out of the said books that Jan. 20, 1665, Benjamin Coolinge was sworn joint Yeoman Usher with Mr. Wynyard, who was not sworn then, nor till 14 Nov. 1685. He says it does not appear by any former book in the L. Chamberlain's office that the Yeoman Usher's place is an office upon the establishment of the Household. Being asked what salary is annexed to that office, he says he knows of none but that mentioned in Mr. Coolinge's Patent. Then the Report was agreed to. L. J., XVI. 598. *In extenso.* Priv. Book Feb. 12, 17. On 16 May 1701 Petitions were presented by Mitchell and Coolinge (Annexes (*d*), (*e*)), and it was ordered that one Counsel of a side should be heard upon them. L. J., XVI. 687. On 27 May *Counsel* were heard. *Mr. Phipps* heard for Sir David Mitchell: We have a gentleman that will satisfy your Lordships the case was disposed of by the Black Rod. *John Maxwell* (sworn) was heard. *Sir Tho. Powys* heard for Mr. Coolinge: We say this [appointment] is not in Sir David Mitchell. Mr. Coolinge has been desirous this might be determined by law. He has the same Patent his father had. Sir David Mitchell affirms he is to put in the Yeoman Usher. Is he not then to prove his right? We are ready to try as he sets it out in his Petition. If we are rid of his Petition, we are well enough, we think. They read the Patent for Coolinge to be Yeoman Usher. We desire to be admitted. *Mr Phipps:* We desire one may be admitted we shall name. They desire to waive him. They offer to read an entry in their own book. We found this book in the office. *Davis* (sworn): I made this entry in the book. Sir Thomas Duppa ordered me to enter this accordingly. *Sir Tho. Powys* objects against reading this. Petitions then dismissed. MS. Min. L. J., XVI. 709. On 1 Jan. 1701–2 the House was acquainted that after a trial at law, Sir David Mitchell had gained a verdict, and had appointed Mr. John Phillips Yeoman Usher, who was admitted. L. J., XVII. 8. MS. Min.]

Annexed:—

(*a*) 12 Feb. Entry in MS. Min. as follows:—Die Sabbati 15° Novembris 1690. House acquainted that Mr. Whinyard [Wynyard], the Yeoman Usher, is dead, and that Sir Thomas Duppa thought it his duty to acquaint the House with it, and that he has appointed Mr. Benjamin Coolinge to attend. Sir Tho. Duppa's Patent was read. **Ordered. Endorsed* 12 Feb. 1700, Sir David Mitchell, relating to Yeoman Usher. Produced this day before the Committee for Privileges by David Mitchell. Priv. Book.

12 Feb. Mr. Coolinge's paper touching the Yeoman Usher's place, as follows:—That Mr. Wynyard, late Yeoman Usher of the House of Peers, was sworn the King's servant by the then Lord Chamberlain, which was the only title he held by, without any authority from the Black Rod, and all the difference between Mr. Wynyard and my father in their several tenures of the said place was this, that Mr. Wynyard was the King's servant by warrant, and my father by the Great Seal of England, which is only a greater estate. That my father enjoying the said place by the said Patent must needs, to all constructions, be a confirmation of it, and a bar in law to all pretenders whatsoever, and if reason and constitution corroborate

* This entry is crossed out in MS. Min.

my right, I hope your Lordships will permit nothing else to prejudice it. My father's Patent was allowed to be a good grant of his place by Sir Thomas Duppa [and] Sir Fleetwood Shepheard, and was never attempted to be avoided by Sir David Mitchell himself, while he lived, and the same Patent being a good grant to my father, I humbly hope the same is as sufficient for me. And if this officer could be proved to be the Black Rod's officer and not the King's servant attending the House, yet why may not the King by the same authority that forms him, make the other by the same power, distinct and independent, as for example the groom porter's place, clerk of the Robes and of the Wardrobes, apothecary to the Household, &c., in my Lord Chamberlain's disposal, but sometimes granted by the King by Patent, and upon all trials at law held good. Sir David Mitchell alleges my father purchased his place of Sir Thomas Duppa, though nothing of that sort will appear more than that he might make him a small present as a superior officer. I have proved that Mr. Wynyard and my father were both of them the King's servants, and that they held their respective places from the King, and I, having the same title, do humbly hope your Lordships will not by any means deprive me of the honour of being both the King's and your Lordships' servant, and admit me accordingly, and report the same to the House. *Endorsed* Mr. Coolinge's paper touching the Yeoman Usher's place. Produced this day before the Committee for Privileges by Mr. Coolinge. Priv. Book.

(*c*) 12 Feb. Slip as follows appended to preceding: — John Wynyard sworn Yeoman Usher of the House of Peers the 18th of May 1685. From the Record in the Lord Arlington's time, then Lord Chamberlain. 1685 No. 14. *Signed* Ri. Newberry.

(*d*) 16 May 1701. Petition of Sir David Mitchell, Knt., Gentleman Usher of the Black Rod. Time out of mind the places of Yeoman Usher and doorkeepers have been in the disposal of the Black Rod, who is to take care of their due attendance, and is answerable to the House for their neglects. Benjamin Coolinge, late Yeoman Usher, being lately dead, Richard Coolinge, his son, by colour of some Patent of Charles II., pretends a right to the said place, and the House declared he might, if he thought fit, bring his action at law against Petitioner for the place. Petitioner is ready to go to trial on a proper issue, but Coolinge has tendered an issue whereon the right of the Patent will not come in question, but he would turn the whole proof on Petitioner, contrary to the rule which requires Plaintiffs to make out their demands. Prays that he, as his predecessors have ever done, may appoint to the place. *Signed* D. Mitchell. *Endorsed* as read this day. L. J., XVI. 687.

(*e*) 16 May 1701. Petition of Richard Coleing [Coolinge], son of Benjamin Coleing [Coolinge], late Yeoman Usher. Petitioner's father held the office under a Patent of 30 Car. II., whereby it was also granted to Petitioner on the death or surrender of his father. On his father's death, Sir David Mitchell claimed that the place was in his disposal, and Petitioner has offered to try an issue at law on that point, and also to refer it to C. Justice Holt to settle an issue; but Sir David would not agree to any issue but such as would leave the matter perfectly at large, and expose Petitioner to all hazards, leaving Sir David opportunity to take

1700–1701. — No. 1560.

advantage of all slips and niceties that may happen. Prays to be admitted into the office. *Signed* Rich. Colinge. *Endorsed* as read this day. L. J., XVI. 687.

1561. Feb. 13. Writ of Summons (Bishop of Bangor).—Writ of Summons, dated 26 Dec. 1700, to Humphry [Humphreys] Bishop of Bangor. [Took the Oaths this day. L. J., XVI. 596.]

1562. Feb. 13. Farrell *v.* White.—Petition and Appeal of James Farrell by his *prochein amy*, George Lysons. Upon the marriage of Petitioner's parents, Fergus Farrell and Anne Lysons, Sir Connell Farrell, father of Fergus, settled 350*l.* a year upon them, charged upon his estate in Ireland. Anne's portion of 2,500*l.* was to be invested in land, and Fergus lent part of it upon mortgages of land in Westmeath, called Bally Corky, belonging to one Nangle. After the death of Anne, Fergus married again. He subsequently died intestate. Previous to this Smith, one of the Respondents, who had a subsequent mortgage on the land at Bally Corky obtained a Decree in the Court of Chancery in Ireland, to be let in to redeem the mortgage. Smith was allowed to redeem the mortgage which amounted in all to about 1,778*l.*, on payment of that sum to the widow. He paid this money to the widow, who in the meantime had married the Respondent John White. Appellant, as his mother's heir, exhibited his Bill in the Court of Chancery in Ireland to have the benefit of this mortgage and other charges on the estate which had been paid off, but the Lord Chancellor decreed that the debts of Fergus Farrell must first be paid and then the costs of Smith's suit, and that the remainder should be divided into two parts, one to go to Appellant and the other to be divided between the Whites' child and Fergus Farrell's child by his second wife. Appellant's share will be little or nothing. Appeals against the Decree. *Signed* George Lysons. *Countersigned* Wm. Dobyns, Hen. Collet. L. J., XVI. 596. [At the Hearing on 12 May *Sir Thomas Powys* and *Mr. Dobyns* appeared for the Appellant, and *Mr. Cowper* and *Mr. Pooley* for the Respondents. *On Question:* Whether the Decree be reversed? *Resolved* in the negative. Contents 10: Not Contents 10. *Ordered* that the Appeal be dismissed and the Decree affirmed. MS. Min. L. J., XVI. 678.]

Annexed:—

(*a*) 26 March 1701. Answer of John and Katherine White. Farrell lent money to Nangle on the security of his lands, and on his death his widow became entitled to it. The suit by Smith against Farrell for redemption of the mortgage was revived against the widow. The Court dismissed Appellant's Bill, but on a rehearing made the Decree complained of, which is rather to the prejudice of Respondents than otherwise. *Signed* by Respondents. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

(*b*) 6 May. Petition of Appellant that the Hearing may be put off and that so much of his Appeal as prays relief against the two Decrees touching the mortgage money and mortgage deeds, may be dismissed without prejudice. Petitioner was not a party to the Decrees. *Signed* George Lysons. *Endorsed* as read this day and rejected. MS. Min. L. J., XVI. 668.

1563. Feb 14. Morris *v.* Harrison.—Petition and Appeal of Charles Morris and Margaret Morris. Robert Morris, Godfrey Harrison,

1700–1701.
—
No. 1563.

Richard Hacket and Matthias Datchellor in 1671 entered into partnership for the management of a glass-house, each putting into it 1,000*l.* It was agreed that, on the death of a partner, his representatives might withdraw a fourth part of the joint stock, or, if they pleased, continue to share in the business. Hacket assigned his share to John Hawkes and Sir Richard Hawkins, and afterwards Harrison and Morris both died. Eventually, owing to great losses in the business, the partners were called upon to pay large sums to the creditors. Thereupon Godfrey Harrison's son brought his Bill in Chancery against the other partners representing that money was due to his father for managing the business at a salary of 100*l.* a year, and that the widow had given notice, within a month of her husband's death, that she did not intend to continue the partnership and had demanded an account. These suggestions were denied by the Appellant Margaret Morris, the widow and administratrix of Robert Morris. Appellants brought their Bill for an account of the partnership, whereupon the Master of the Rolls declared that the widow had given notice and ought not to be charged with anything since the account then delivered, which account he decreed to stand, with liberty to representatives of the other partners to falsify it or surcharge the widow; but, as to Appellant Margaret, he decided that she continued the partnership. On appeal from this decision the late Lord Chancellor ordered the Decree and account to stand, and the Master, to whom the account was referred, certified that both sides had falsified it, thereupon the Appellants petitioned that the Causes might stand open to be reheard, but the Lord Chancellor confirmed the Decree. Respondents ought to have been ordered to come into the general account and pay their proportion of the debts of the partnership. Appeal against the Decree. *Signed* by Appellants. *Countersigned* Jo. Howles, Wm. Dobyns. L. J., XVI. 597. [At the Hearing on 26 March the *Solicitor-General* and *Sir Thomas Powys* were heard for the Appellants and *Mr. Serjt. Selby* and *Mr. Dodd* for the Respondents. The Appeal was dismissed. MS. Min. L. J., XVI. 635.]

Annexed:—

(*a*) 10 March. Answer of Mary and John Harrison. They admit the partnership as stated. When it was found necessary to put in more money, 3,900*l.* was advanced by the partners, but the profits did not answer their expectations, and in order to work at the cheapest rate, they appointed Godfrey Harrison as manager at 100*l.* a year. He managed the business and advanced money from time to time to carry it on, until the failure of his health obliged him to give it up. At this time there was due to him 16*l.* 11*s.* 11*d.* Mary Harrison gave notice to Morris that she did not wish to continue the partnership, and asked for an account of the stock, &c. The Master of the Rolls decreed that she had given notice, but that it did not appear that Margaret Morris had. The case was reheard and the matter referred to a Master as stated, but without any directions varying from the former Decree. *Signed* by Respondents. *Countersigned* Wm. Cowper, T. Vernon. *Endorsed* as brought in this day. MS. Min.

1564. Feb. 14. Countess of Anglesey *v.* E. Anglesey.—Petition of Katherine, Countess of Anglesey. Petitioner has been grievously and after a most barbarous and inhuman manner treated, abused and beaten by her husband James, Earl of Anglesey, without any provocation by her given, insomuch that she cannot cohabit with him without danger of her life. Affidavits being given by herself and others before the

*1700–1701. — No. 1564. Lord Chief Justice, she prays that this House would oblige her said husband to waive his Privilege, that Petitioner may be at liberty to institute a Cause of Separation against him in the Ecclesiastical Courts for cruelties. *Signed* Katherine Anglesey. Read this day and dismissed. MS. Min. No entry in L. J. [On 13 Feb. *E. Anglesey* acquainted the House that yesterday six persons in disguise rushed in at his back doors, and took his wife and carried her away. He went to the L. C. Justice Holt, and he told me he was glad I came, or he should have sent for her [me], and showed me what affidavits sworn against me as to my behaviour to my wife. My Lord said that I must give security, that the peace was sworn against me. I gave my Lord Chief Justice 8,000*l.* security, and I am a prisoner now. I beg of your Lordships that I may not be a prisoner, but that I may be free about my business. *Moved* to send for L. C. Justice to attend to-morrow. *Ordered* that the Lord Chief Justice of his Majesty's Court of King's Bench do attend this House to-morrow at eleven of the clock in the forenoon. On 14 Feb. *E. Anglesey* says he gave the House an account of taking away his wife, and of my going to my Lord Chief Justice, and that he bound me over to the peace, upon three affidavits. I do not complain of my Lord Chief Justice. I had a warrant to search for my wife. I desire a warrant to search for my wife from this House. I desire, if my wife be found, and will persist in what she has sworn, I am contented to stand bound—that I may be [de]livered from my shackles [which] I now stand bound in, that I may go abroad for my health. My Lord Chief Justice sent his tipstaff to the witnesses to attend him. I do not complain of my Lord Chief Justice. I have his warrant. I hope to have your assistance. *L. C. Justice* was heard: My Lord has acquitted me of anything but circumstances in which he says I have miscarried. His Lordship says they are hearsays; but such they seem to be as they are fit for consideration. I sent to the woman by a verbal message. My Lady made her complaint. I read it to her. She showed me her arms, which were marked. I was going to write a letter to my Lord as he came in. I have the affidavits or informations on which I proceeded. *E. Anglesey* desires that the House will give an Order for searching for his wife, which according to law I ought to demand. House moved to consider my Lord Anglesey's desire of an Order. House moved to summon those persons in whose custody the Lady Anglesey last was. The House was told the Lady Dorchester was at the door. *Proposed*, if she be called in, she be asked what she has done with the Lady Anglesey. *Ordered* that the Lady Dorchester be called in, and a chair set for her, and asked by L. Keeper what she has done with the Lady Anglesey. The chair was set, and the *Lady Dorchester* was called in, and asked if she knew where the Lady Anglesey was. She says she knows not. I left my daughter in the room where my Lord Chief Justice took her depositions. I did not bring her to the L. C. Justice. Lady Dorchester withdrew. After some time, Lady Dorchester was called in again, and told by L. Keeper she might speak. She desires the affidavits before L. C. Justice be read. (1) Information of Sarah Man read. (2) Elizabeth Cotton's information read. (3) Katherine, Countess of Anglesey's information read. *Lady Dorchester* says there is another she signed and is ready to be sworn. I have nothing in this matter, but the fear of my daughter's life and my own. I pay [f]or it, and I am not allowed anything for it. My daughter is bruised. I am credibly assured of it. The Lady Dorchester withdrew to swear to her information before the L. C. Justice. After some time, the Lady Dorchester came in again, and L. C. Justice delivers her information, as sworn to before him, which was read. The *Lady Dorchester* was heard. She desires her

Petition may be read, and desires the Lady Anglesey may proceed against my Lord for maintenance; and withdrew. *E. Anglesey* says that there is 400 falsities in the affidavits. Then the above Petition of the Countess was read. *Ordered* that the Petition be dismissed. The House gave directions that nothing be entered in the Books of this matter relative to the E. and Countess of Anglesey. On 24 Feb. some affidavits, desired at the request of E. Anglesey, were read, viz., those of (1) Jane Greener, (2) Ruth Booth, (3) Phillipa Wingate, (4) Anne Wikey, (5) Joyce Rivall, (6) Rebecca Cooper, (7) Patrick Grey, (8) Eleanor Levens. MS. Min. No entry in L.J. *See* also No. 1591.]

1565. Feb. 17. Trelawney *v.* Carew.—Petition of Edward Trelawney, clerk, and Elizabeth, his wife, for and on behalf of Elizabeth Trelawney their daughter, an infant, and of Daniel Sagittary, clerk, and Anne, his wife, for and on behalf of John and Anne Sagittary, their son and daughter. Thomas Darell was possessed of a personal estate of 10,000*l.* and upwards. By his Will he left the residue, after payment of legacies amounting to 4,293*l.* and debts, &c., to be equally divided between his three daughters and their children and grandchildren who should be living within two years after his death. He died in 1697, and Appellants and others, on behalf of their children, exhibited a Bill in Chancery against the executors to get the estate distributed according to the Will. Respondents in their Answer stated that two of the great grandchildren had been born since the testator's death and asked for the direction of the Court as to whether these children were entitled to a share of the residue. The Master of the Rolls decreed that they were so entitled. Lady Carew, one of the daughters of Thomas Darell, appealed against this decision, and the Lord Keeper decreed that the children were not entitled to a share. Appeal from the last mentioned Decree. *Signed* by Appellants. *Countersigned* Tho. Carthew, Rich. Buckby. L. J., XVI. 600. [At the Hearing on 28 March 1701, *Sir Thomas Powys* and *Sir Bartholomew Shore* appeared for the Appellants and *Mr. Dobyns* and *Mr. Pooley* for the Respondents. The Appeal was dismissed and the Decree affirmed. MS. Min. L. J., XVI. 636.]

Annexed:—

(*a*) 17 March. Answer of Sir John Molesworth, John Arscott, Esq., and Frances, his wife. Petitioners submit to the judgment of the House the question whether the infants referred to are entitled to share in the residue. John Arscott and his wife hope that her share of the estate under the Will may be decreed to her. *Signed* by Respondents. *Countersigned* Nath. Courtnay. *Endorsed* as brought in this day. MS. Min.

(*b*) 17 March. Answer of Dame Gratiana Carew and Sir Henry Darell Carew, Thomas Carew, Charles Carew and Frances Carew, infants, by the said Dame Gratiana Carew, their mother and guardian. The Decree is just and reasonable. Hope that the Petition will be dismissed. *Signed* Gratiana Carew. *Countersigned* Law. Carter. *Endorsed* as brought in this day. MS. Min.

(*c*) 20 March. Petition of Appellants for a day for the Hearing. L. J., XVI. 629.

1566. Feb. 17. Ball *v.* Ridler.—Petition and Appeal of John Ball, of London, factor. Petitioner's grandfather John Wood, and his son Joseph Wood, were partners as factors in Blackwell Hall, London.

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Joseph by his extravagance involved his father in debt, to pay which he devised his lands at Stone and Walton, Staffordshire, worth 50*l.* a year but charged with 300*l.* mortgage to his father in fee. Joseph died in 1691. John Wood then tried to sell the lands, but was prevented by the high land taxes and scarcity of money. He died in 1693, owing Thomas Ridler and his executor Walter Ridler over 2,500*l.* His assets fell short of this sum by 900*l.* or 1,000*l.* He left the lands in question to his daughters Sarah and Mary Wood, who employed Petitioner, their father's late apprentice, to gather in the estate and pay Walter Ridler. Petitioner paid Ridler all but 729*l.* which the Woods directed should stand over till after the rest of the creditors had been paid out of the personal estate, as Ridler was their kinsman and able to wait, and they intended to pay him out of the sale of the lands. The Woods both died. Mary, who survived her sister, left the lands to Petitioner, with the tacit intention, as he believed, that he should sell them and pay Ridler. He therefore kept separate books of the estate for Ridler's benefit. He then became Ridler's factor, and became indebted to him, but the clipped money being then called in to be recoined, he could not pay him except in bank notes, which then ran at 15 or 20 per cent. discount; so he turned his notes into bank bills bearing interest, which he intended for Ridler, to compensate him for the delay. In Jan. 1696 he sent Ridler his account, and told him he had 1,100*l.* bank notes for him, which was less than he owed him on his own account. After Walter Ridler's death in 1697, Petitioner sent Nathaniel Ridler, his executor, an account, including John Wood's debt, showing a balance of over 2,600*l.* against himself; and he included among his assets John Wood's lands, out of which he intended to pay Ridler, so that he never complained of want of assets. Subsequently, however, Joseph Wood, grandson and heir at law of John Wood, brought a Bill in the Exchequer for the lands. Owing to a defect in the Will of John Wood, which was drawn by himself, his daughters' title to the lands was reduced to a life interest only. The lands were thus evicted from Petitioner, who then offered to pay Ridler all his own debt, and so much of John Wood's as could be recovered from the estates of John Wood and his daughters. Nathaniel Ridler refused this offer and brought a Bill in Chancery against Petitioner for the whole debt, on the ground that in his stated accounts he had acknowledged he had sufficient assets. He obtained a Decree against him, with interest and costs, from the Master of the Rolls on 19 April 1700. On Appeal, this Decree was confirmed by the Lord Keeper on 6 Nov. 1700. Appeals against these Decrees, as he had not misapplied any of John Wood's estate, in which cases only executors are chargeable out of their own proper estates, and his accounts, under a mistake, could not charge him with assets at Common Law, much less in Equity; and he prays for stay of proceedings in the meantime. *Signed* by the Petitioner. *Countersigned* Jo. Hawles, Sam. Harris. L. J., XVI. 601. [At the Hearing on 11 March *Mr. Solicitor* opened for Appellant, and *Mr. Cowper* for the same: The question is whether an executor shall pay a great sum of money out of his own estate to pay another's debts, which he intended to do if there had proved assets sufficient to satisfy this and the other debts. He gave his estate to his executors rather than the heir, with intent that his debts should be paid. *Mr. Dobyns* heard for the Respondents: Mr. Ball acted on his own account, and we being a relation, we must lose our debt, or they will pay us with this Appeal. This gentleman has submitted [so much] to this Decree as to write a letter that he would pay us. *Mr Dodd*, on the same side, was heard to

the same effect. The Appeal was dismissed and the Decree affirmed. MS. Min. L. J., XVI. 618.]

Annexed:—

(*a*) 3 March. Answer of Nathaniel Ridler, Esq. The Decrees are just, and the Appeal should be dismissed with costs. *Signed* Nathaniel Ridler. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(*b*) 4 March. Petition of same for an early day for the Hearing, as he has put in his Answer, and the Vacation is approaching and his Counsel and agents will be going the Circuits. The Appeal was brought merely for delay. *Unsigned. Endorsed* as read this day. L. J., XVI. 613.

1567. Feb. 18. Writ of Summons (E. Shaftesbury).—Writ of Summons to Anthony, E. Shaftesbury. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 601.]

1568. Feb. 18. Disbrowe *v.* Kerin.—Petition and Appeal of Nathaniel Disbrowe, Esq. Daniel Kerin, deceased, was bound as surety for Appellant in two bonds, one to Gideon Delaune, Esq., for 100*l.*, and the other to Thomas Tilson, Esq., for 150*l.* To secure Kerin against this liability, Petitioner, in 1682, being about to leave Ireland for England, where he lives, made him a lease of the lands of Crumlin, Gortnesetkane, Balenebrogne and a moiety of Burrel, in the barony of Ikerrin, county Tipperary, for 17 years, for 5*s.* a year, though worth 100*l.* a year, the consideration being stated to be the payment of 250*l.*, though no money was paid, and the lease was to be void on Appellant indemnifying him from the debts. Kerin and those claiming under him enjoyed the lease till it expired in 1699. Appellant however had paid the debts, with great costs and interest, in 1698. He consequently exhibited his Bill in Chancery in Ireland against Kerin's widow Honora Kerin, and John Kerin and Elizabeth Freeman and Samuel Freeman, her husband, Daniel Kerin's children, some being his executors, for an account of the profits of the leased premises, and delivery up of the counter bond. They answered denying that Daniel had received any of the rents, and asserting that they had spent 40*l.* over Delaune's debt. Appellant proved that Kerin sold the lease to Mrs. Charity Disbrowe for 150*l.*, and claimed that sum; but on 21 June 1700 the L. Chancellor in Ireland dismissed his Bill, on the ground that the sale was not mentioned in the Bill or Answer. Appeals from that dismission, and prays the Kerins and Freemans may be ordered to answer. *Signed* by Petitioner. *Countersigned* Henry Selby, Wm. Dobyns. L. J., XVI. 601. [At the Hearing on 27 May 1701, *Sir Thomas Powys* and *Mr. Dobyns* were heard for Appellant and *Mr. Cowper* and *Mr. Phipps* for Respondents. The Decree was reversed. MS. Min. L. J., XVI. 708.]

Annexed:—

(*a*) 28 March 1701. Petition of Respondents for further time to answer. They live in such a remote part of Ireland that they were only served with the Order on 25 March, and cannot take out a copy of the Appeal in time to answer by 1 April. *Signed* Tho. Moore, by the Petitioners' authority. *Endorsed* as read this day. L. J., XVI. 635.

(*b*) 7 May. Joint and several Answer of Honor Kerin, widow and surviving executrix of her late husband Daniel Kerin, John Kerin, Gent., Samuel Freeman, Esq., and Elizabeth Freeman

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his wife. There is nothing on the endorsement of the lease to show it was an indemnity to Daniel Kerin, who moreover never entered upon the premises. The 150*l.* debt to Tilson was paid by Kerin, not by Appellant, and is a set off against the 150*l.* claimed for the alleged assignment of the lease to Mrs. Disbrowe, who ought to have been made a party. The assignment should have been produced. The Cause was heard first on 13 June 1700 by John Hely, Esq., C. J. Common Pleas in Ireland and Sir Henry Eckliu, Knt., a Baron of the Exchequer, two of the Lords Commissioners. The Cause was adjourned for further hearing until 21 June 1700 when John Methuen, Esq., L. Chancellor of Ireland, issued a Decree dismissing Appellant's Bill. This Decree was just. Pray the Appeal may be dismissed with costs. *Signed* by the Respondents. *Countersigned* William Cowper. *Endorsed* as brought in this day.

(*c*) 23 May 1701. Petition of Samuel Freeman, Esq., Capt. in Col. Seymour's Regiment.—Petitioner, one of the Respondents, has been ordered to Holland with Col. Seymour's Regiment. Prays for some shorter day for the Hearing than that appointed. *Signed* by Petitioner. *Endorsed* as read this day. L. J., XVI. 700.

1569. Feb. 19. Writ of Summons (V. Hereford).—Writ of Summons to Price, V. Hereford. *Dated* 26 Dec. 1700. [Sat first in Parliament this day after the death of his cousin. L. J., XVI. 602.]

1570. Feb. 20. Brookfield and Newport Markets Bill.—Amended* Draft of an Act for confirming the grants of Brookfield Market [and Fair] and Newport Market, in the county of Middlesex. Whereas our late sovereign lord King Charles, the second, by his Letters Patent under the Great Seal of England bearing date at Westminster the one and twentieth day of November in the fifteenth year of his reign, was graciously pleased for himself, his heirs and successors, to grant unto John Harvey, Esq., and John Coell, Esq., their heirs and assigns, (amongst other things) two markets, one of them to be holden on Monday and the other on Wednesday in every week, to be held in a certain highway called the Haymarket Street, in the parish of St. Martin's-in-the-Fields, in the county of Middlesex, for the buying and selling of cattle and sheep. And whereas our late sovereign lord King James, the second, (the said John Harvey being dead), by his Letters Patent under the Great Seal of England bearing date at Westminster the five and twentieth day of September in the second year of his reign, did for himself, his heirs and successors, give and grant unto the said John Coell (then Sir John Coell, Knt.) that he, his heirs and assigns, might hold the said two markets by the aforesaid Letters Patent granted in a certain place called Great Brookfield, in the parish of St. Martin's aforesaid, during the days aforesaid in every week for ever. And whereas our said late sovereign lord King James, the second, by other his Letters Patent under the Great Seal of England bearing date at Westminster the twentieth day of July which was in the fourth year of his reign, did for himself, his heirs and successors, grant unto the said Sir John Coell, that he, his heirs and assigns, in lieu of the aforesaid markets, so granted, to be held upon Mondays and Wednesdays, as

* The words and clause within square brackets were omitted in Select Committee on 2 April, pursuant to Instruction on Commitment. L. J., XVI. 612. Com. Book 2 April.

aforesaid, should and might have, hold and keep two markets, the one on Tuesday and the other on Thursday in every week yearly for ever in and upon the aforesaid field called Brookfield for the buying and selling of cattle and sheep during all the said days. [And whereas the said King James, the second, in and by the said Letters Patent last mentioned, did for himself, his heirs and successors, give and grant unto the said Sir John Coell, that he, his heirs and assigns, should and might have, hold and keep a fair in the said field called Brookfield for the buying and selling of all manner of goods and merchandizes, to commence on the first day of May and to continue for fifteen days after, yearly for ever.] And whereas our said late sovereign lord King James, the second, by his other Letters Patent under the Great Seal of England bearing date at Westminster the seven and twentieth day of April which was in the said second year of his reign, was graciously pleased for himself, his heirs and successors, to grant unto John Bland and his heirs, that he, his heirs and assigns, might from thenceforth have, hold and keep one market in the parish of St. Martin's-in-the-Fields aforesaid, in a certain place called Newport Garden, in and upon every Tuesday, Thursday and Saturday in every week in the year for ever for the buying and selling all and all manner of cattle, goods, merchandizes and things whatsoever (except live cattle). And forasmuch as the said markets have been, are and will be, of great use and convenience to the inhabitants of the city of Westminster and the gentlemen and their estates in the county of Middlesex and adjacent counties to the said markets, Be it therefore declared and enacted etc., That the afore-recited grants of the aforesaid markets [and fair] shall from henceforth be esteemed, adjudged and taken to be good and valid in the law to all intents and purposes, any law, restriction, statute, charter or custom to the contrary in any wise notwithstanding. [Read 1ª this day, pursuant to Petition (Annex (*a*)), and ordered to be read 2ª in five weeks. L. J., XVI. 602, 603. On 21 Feb. there is an expunged entry in the MS. Min. that the House was moved to revoke the above Order, which was revoked the following day. L. J., XVI. 605. On 3 March the Bill was read 2ª and committed with an Instruction to the Select Committee to leave out everything relating to the Fair at St. James's. *Ib.* 612. MS. Min. On 6 March a Petition of the Corporation of London (Annex (*b*)) against, and on 17 March a Petition of the butchers of Westminster (Annex (*c*)) in favour, of the Bill were presented, and Petitioners were ordered to be heard by Counsel before the Select Committee. L. J., XVI. 614, 625. On 20 March a Petition of Lady Russell and others for additional clauses (Annex (*d*)) was referred to the Committee. *Ib.* 629.

On 26 March, before the Select Committee, the above Petitions were read, as also a copy of the first grant mentioned in the Bill (proved by Mr. William Gilbert) and the several Letters Patent; and after the title and preamble had been postponed, the enacting clause was read, and Counsel were called in. *Mr. Common Serjeant* says, as to the last of the two grants, viz. that to Bland for Newport Market: We shall not at present oppose it. The city of London have a grant confirmed by Parliament for a fair for live cattle precedent to the several grants in the Bill, whereby all subsequent grants are made invalid for sale of live cattle within seven miles of London. We have a *scire facias* depending for trial of the right. *Mr. Phipps,* for the City: No man's right is ever taken away by a private Act of Parliament without an equivalent. The other side must own we have a right, and it is hard our right must be taken away for the conveniency of new buildings. Smithfield is as well able to supply them as ever. If this Bill pass and Smithfield Market be

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reduced, 100*l.* a year payable out of it to the poor of St. Pulcher's and Bartholomew Hospital must likewise suffer, for all the buildings about Smithfield belong to it, which must fail in the rents if the market be reduced. *Mr. Dodd*, for the Bill: St. Pulcher's are only farmers of the sheep pens, and they will not suffer. There is not room in Smithfield for the fourth part of the cattle that come to market. Cattle are sold at Islington and Whitechapel &c., because not room in Smithfield. *Mr. Brown:* The proper object of legislative jurisdiction is public convenience. They are pressing us by *scire facias*, and law may be against us. We agree their prior grant, and that confirmed by Parliament. *Thomas Porter* (sworn). He has often known Smithfield not able to contain the cattle; that when butchers have bought sheep, the salesmen would not let them have them unless they presently took them away that they might bring in others. He has known this twenty times in a year. There are abundance of goods sold at the ends of the town because they know Smithfield will not hold them. *John Allen* (sworn). Has known Smithfield near 50 years, and has seen graziers drive back their cattle to Islington for want of room for their oxen to stand. It will be better for Smithfield if this Bill pass. *Wm. Hancock* (sworn). He has bought 100 sheep at a time at Islington because, not being a freeman, he could not buy in Smithfield till after 8 o'clock that the bell had rung. Between Easter and Michaelmas cattle come in so thick that Smithfield will not hold half of them. He has not been in Smithfield these several years, nor at Islington these 30 years. *Peter Wych* (sworn). There is an allowance by the City for sale of cattle at Islington. If no goods were sold at the town's end, Smithfield would not hold them. *Noell Kellet* (sworn). He believes Brook[field] Market is of public good for Westminster and is very useful. Though there be a market here, yet there will be cattle enough for Smithfield. *Samuel Buxton* (sworn). [*Asked*] Whether the city of London ever gave him any direction to permit any to sell cattle at Islington or to take toll? *Says* he never had any such order. *Q.* Did you ever know toll paid there, or directions given? *A.* He believes toll has been paid there sometimes, but he cannot tell. He never had any direction from the City. He knows no great reason for his belief. If it were taken, it was by abuse, he believes. *John Salter* (sworn). He believes there are cattle enough for both the markets. If Mr. Wright's ground and the inns were shut up where goods are sold, it will not spoil the meat to drive from thence, because it may stand and cool. *Richard Steed* (sworn). Butchers come out of the City to buy at Hounsley, &c. He has known several thousands sold at Islington and Knightsbridge. *John Sutton* (sworn). For 25 years he has known abundance of cattle sold at all ends of the town. If there were a market at this end of the town there would be more cattle in Smithfield. *John Clark* (sworn). He paid 30*s.* for buying at Paddington. *Mr. Dobyns*, for St. Bartholomew Hospital: A good part of the revenue of the Hospital consists in the houses about Smithfield. This Bill will injure us by taking from us a legal advantage we have, by persons resorting to this market. *Thomas Wright*, on behalf of London. He has known Smithfield Market 30 years. He never saw Smithfield Market so crowded, but there was room, even without Rounds, for many more. He keeps an inn at Mile End, and 200 beasts come in a day to his house, and he has brought them to Smithfield, and when he could not sell them he has brought them back. He believes several cattle have been sold at his house to Salter and such persons as dare not come to Smithfield for fear of being arrested. He loses by oxen sold at his house. The market will hold many more than come there. Most of the butchers that buy

at my house are such as dare not come to Smithfield. *Ordered* that Samuel Buxton and Jones attend on Tuesday, as also Capt. Phillips. Com. Book. 1700–1701. — No. 1570.

On 31 March E. Warwick presented a Petition against the Bill (Annex (*e*)), and was ordered to be heard by Counsel. L. J., XVI. 638.

On 1 April, at the Select Committee, the above Petition was read. *Mr. Common Serjeant*, for the City: We only oppose a market for live cattle. He calls his witnesses. *John Preston* (sworn). He has used Smithfield several years. He never observed but there was room for more than was there. He believes those that are sold at the town's end are sold to persons that dare not come thither. The place within the Rounds would hold 200 or 300 if there were occasion. He never knew any toll taken for cattle sold at the town's end. He never bought any there. He is a grazier. *Henry Frances* (sworn). He has known Smithfield 50 years. He never knew, but it would hold more cattle than was there by 200 or 300. Brookfield Market would, he believes, prejudice Smithfield. The Marshmen buy sheep at the town's end, because they would have them clean, which they would not be if they came thither. He is a grazier. *Edward Yardley* (sworn). He never saw Smithfield so full, but it would hold more than are there. For sheep, there is room for many hundreds more than come there. Believes that, if the cattle sold at town's end were brought to Smithfield, there would be room. He is a salesman. *Wm. Cuxon* (sworn). He never knew, in the 10 years he has used Smithfield, but it would hold more than come there. He is a salesman. He never paid toll at the end of town, but has paid for the pens. *George Newland* (sworn). He has lived near 50 years in Smithfield. He never observed in the highest market but there was room for more cattle. Brookfield Market would prejudice Smithfield Market, as also the houses there that pay rent to the Hospital. *Moses Bodicot* (sworn). Has known Smithfield 30 years. Never saw but there was room enough for more cattle than came there. He is a salesman. *Wm. Cooper* (sworn). Has known Smithfield 30 years. He never knew it so full of cattle, even at Bartholomew Fair, but it would hold more. He lives in Southwark, and finds no inconvenience in driving cattle thither, which is as far as Westminster. He is a butcher, and if he buys on a Friday, he kills that day. They offer an Order of Council or Star Chamber dated 17 May 1637 and an Order of Council April 4, 1683, proved by Richard Cooper, which, after opposition made by the Counsel for the Bill, were read, as also part of an Order 11 April 1695. *Counsel for the Bill. David Jones* (sworn). He has bought cattle several times within 5 or 6 years at Islington, and has paid toll and pens to the same person that takes toll in Smithfield. He says he never saw Smithfield so full, but more cattle might stand there. He has known 400 or 500 cattle stolen in a day or evening at Islington. *John Allen* (sworn). Last Thursday, he believes, more than 80 beasts were sold at Mr. Wright's yard, besides sheep. He saw it. Smithfield would have held many more last Friday. *Joseph White* (sworn). Brookfield would be a great conveniency to Westminster. He has often had goods to Smithfield, and the salesmen there have bid me go back and stop them because Smithfield was so full. *Wm. Elliot* (sworn). He has hundreds of sheep sold at Islington, Knightsbridge, but never saw toll paid. He believes that, if none had been sold there, Smithfield would not sometimes have held all. *Thomas Rice* (sworn). He has often seen cattle bought at the town's end. *Samuel Buxton* (sworn). He never gave order to Jones to pay toll for goods bought at Islington. They withdraw. *Ordered* that all persons concerned attend

1700–1701. No. 1570. to-morrow, when the E. Warwick's Petition shall be considered and Counsel heard. On 2 April Mr. Sloane, Counsel for E. Warwick, not attending,* *Mr. Richard Barrow*, his Lordship's solicitor, opens his case as to the loss it would be to him if the Bill pass. He desires Samuel Ford may be heard. *Samuel Ford* (sworn). He has received E. Warwick's rents in Cloth Fair 13 years, and he is sensible that if Smithfield Market should be removed or lessened it will be to his Lordship's prejudice 300*l.* or 400*l.* per annum. They withdraw. Then the enacting clause was read, and the omission of the words, and fair, was carried by 3 votes to 2. The other amendments noted above were then made. The Petitions of Lady Russell, L. Brooke, and Mr. Pitt (Annex (*d*)), were then read, but nothing done therein. The Bill was ordered to be reported with the said amendments. Com. Book April 1, 2.

On 7 April a Petition of E. Warwick to be heard by Counsel before the Third Reading (Annex (*g*)) was resolved in the affirmative. MS. Min.. L. J., XVI. 644. On 15 April Counsel were accordingly heard on the above Petition. *Mr. Pooley* heard for E. Warwick. *Mr. Sloane*, for the same: This is an estate of E. Warwick, and will be much worse for the other market. *Mr. Dodd* admits my Lord Warwick has an estate in Smithfield. *Wm. Smith* (sworn). This market will lessen E. Warwick's rent, I believe, to 500*l.* per annum. There is room for 400 or 500 beasts more than come. The loss to E. Warwick will be 30 per cent. I have kept shop 40 years there. *Counsel* for the city of London heard. *Mr. Common Serjeant:* The Charter to the city was [g]ranted by the King in Parliament, and we take it as an Act of Parliament. *Mr. Phipps:* Our Charter was in Edw. III's time, and we hope it good. Counsel heard for Farmers of Market. *Mr. Dodd* heard for the Bill. *Mr. Browne* also heard. Counsel withdrew. *Proposed* that the Report be adjourned to a further time. After debate, the Third Reading was carried by 14 and one proxy to 12 and one proxy. Tellers: E. Stamford, E. Abingdon. *On Question:* Whether this Bill shall pass? *Resolved* in the negative. MS. Min. L. J., XVI. 653. For Engrossment *see* No. 1617].

Annexed:—

(*a*) 18 Feb. Petition of Sir Nathaniel Curzon, Bart. Letters Patent of 15 Car. II. granted to John Harvey and John Coell Esqs., two markets in Haymarket Street for buying and selling cattle and sheep, and Letters Patent of 2 Jac. II. gave Sir John Coell, Knt., leave to hold the said two markets in Great Brookfield, both in St. Martin's-in-the-Fields. These Letters Patent are now by good conveyance vested in Petitioner, who prays leave to bring in a Bill to confirm them. *Signed* Nath. Curzon. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 602.

(*b*) 6 March. Petition of the Lord Mayor, Aldermen and Common Council of the city of London. A Royal Charter of 1 Edw. III. granted to Petitioners' predecessors that thenceforth no market should be erected within 7 miles of the City. This Charter has been confirmed by several other Charters and Acts of Parliament. The Bill will bring to decay Petitioners' ancient market for selling of live cattle at Smithfield. Pray to be heard by Counsel against it. *Signed* Ashhurst. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 614. [*See also* Notes above.]

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* *See* L. J., XVI. 653, and No. 1627.

(*c*) 17 March. Petition of butchers inhabiting within the city of Westminster and the liberties thereof and other places adjacent to the market called Brookfield Market, in the parish of St. Martin's-in-the-Fields. As it is under their Lordships' consideration whether Brookfield Market, being within 7 miles of the City, shall be established or not, Petitioners say that that market, being for live cattle, is as necessary for the western parts of this town as Smithfield Market for the other; for without Brookfield Petitioners must buy all their cattle at Smithfield on Friday, which are then heated with driving thither, and must be further chafed when driven thence to the slaughterhouses. The flesh of such cattle killed hot cannot be fit for market on Saturday, for it will neither take salt kindly nor keep until another market, so that great quantities of victuals will be lost, or the King's subjects fed with unwholesome meat. Pray that the aforesaid market may be confirmed and established. *Signed* by 92 persons, some by their marks. *Endorsed* as read this day. Petition referred to the Select Committee. L. J., XVI. 625. [*See also* Notes above.]

(*d*) 20 March. Petition of Rachel, Lady Russell, Fulke, Lord Brooke, George Pitt, Esq., and John Pitt, Esq. By Letters Patent of 19 Car. II. a market on Mondays, Wednesdays and Fridays and one on Saturdays at Bloomsbury, for all goods, merchandizes, beasts and cattle, were granted to Thomas, late E. Southampton and his heirs. By Letters Patent of 34 Car. II. four markets, on Mondays, Wednesdays, Fridays and Saturdays at Brookhouse Orchard or Garden, in the parish of St. Andrew, Holborn, for all manner of wares and merchandize, were granted to Petitioner Fulke, Lord Brooke and his heirs. By Letters Patent of 4 Jac. II two markets, on Wednesdays and Saturdays, at or near Red Lion Court, St. Giles', Cripplegate, for victuals, goods and merchandizes, were granted to Thomas Neale, Esq., and his heirs. These markets are and will be of great use to the gentlemen and their estates in Middlesex and to all other inhabitants there, and Petitioners are respectively entitled to them according to their several interests therein. Pray that a clause confirming the said Patents may be added to the Bill. *Signed* R. Russell, Brooke, G. Pitt, Jo. Pitt. *Endorsed* as read this day. L. J., XVI. 629. [*See* Notes to first paper. Nothing was done on this Petition. Com. Book 2 April.]

(*e*) 31 March 1701. Petition of Edward, E. Warwick. Petitioner is informed that the Bill may be of great prejudice to him. Prays to be heard by Counsel before the Committee. *Signed* Warwick. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 638. [*See* notes to first paper.]

(*f*) 2 April 1701. Amendments made in Select Committee this day. Com. Book 2 April.

(*g*) 7 April 1701. Petition of Edward, E. Warwick and Holland. Petitioner was ordered to be heard by Counsel on his previous Petition (Annex (*e*)). His Counsel attended the Committee on Tuesday, but could not be heard, and on Wednesday the Committee sat earlier than was expected, so that he was not heard then. The Bill will lessen Petitioner's estate about Smithfield by at least 500*l.* a year. Prays to be heard by Counsel before the Third Reading. *Signed* Warwick. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 644. [*See* notes to first paper.]

1700–1701. — No. 1571.

1571. Feb. 20. Navy.—An account of what ships of his Majesty's Navy are now in sea pay at home, from 50 guns upward, and how many from 50 to 100 guns are in condition to be fitted out to sea, and in what time they may be so fitted out, if men be procured and money timely supplied for their works and providing victuals for them. The account gives a list of 130 ships by name, with the following result :—

[Ships].	In Sea Pay.	In condition to be fitted for the Sea.	Under Repair.	Wanting Repairs.	
				Great or Rebuilding.	Lesser.
Of 7 first rate - -	—	4	1	2	—
Of 14 second rate -	—	5	3	6	—
Of 47 third rate -	12	22	5	4	4
Of 62 fourth rate -	20	35	4	1	2

There are also columns giving for each ship, (1) Complement of men (highest, middle, and lowest), (2) Number of guns, and (3) Where it is, or whither ordered. Then follows a statement as follows :—By the foregoing account it will appear that there are now actually at home in sea pay, of 50 guns and upwards, the number of ships following, viz., Third Rate, 12; Fourth Rate, 17; besides 6 Fourth Rate that are abroad, and 19 Fifth, 13 Sixth, Fireships, Yachts, and other small vessels, employed abroad and on the coast of Ireland, and other particular services at home, which ships and vessels, added to the complements of the other 29, will be, lowest complements, 11,490; middle complements, 13,557; highest complements 16,737. It will likewise appear by the said account that the following numbers of ships are in condition to be forthwith fitted out to sea so soon as it shall be ordered to enter men on them, viz. :—

Rate.	No.	
1 - - - -	4	
2 - - -	5	
3 - - - -	26	
4 - - -	34	
	69	
	29	already in sea pay.
In all - -	98	

and these 69 ships will require the following number of men, viz.—

	Lowest Complements.	Middle Complements.	Highest Complements.	
	17,226	22,762	26,987	
	11,490	13,557	16,757	The ships already in sea pay at home.
Total - -	28,716	36,319	43,784*	

* The mistake in the addition of this total occurs in the original MS.

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Memo.—It is hoped that the aforesaid 69 ships said to be in condition to be fitted for the sea may be gradually made ready, and the whole despatched in two months or ten weeks time, provided money be timely procured; and as they are so gradually got in readiness, nothing will obstruct their going to sea but want of men, if the Commissioners for Victualling are supplied with money to enable them timely to procure provisions for them. *Signed* J. Bridgewater, Haversham, G. Rooke, D. Mitchell, Geo. Churchill. *Countersigned* J. Burchett. *Dated* Admiralty Office, this day. [Presented this day by E. Bridgewater. L. J., XVI. 603. On 19 Feb., in pursuance of the King's answer this day to words of the Address suggested by the letter to the Earl of Perth (*see* No. 1558 above), the House was moved to have an account from the Admiralty of the state of the Fleet, or ships that are now in readiness to be set out to sea, what number will soon be ready and manned, where the impediments and what they are that hinder the setting out a Fleet. *E. Bridgewater* heard, and says he will lay an account of this to-morrow. MS. Min. L. J., XVI. 602. On 20 Feb., on the presentation of the above account, a Select Committee was appointed to consider the State of the Fleet. L. J., XVI. 603.* The same day, in Select Committee, E. Rochester in the Chair, the Commissioners of the Admiralty, Navy and Victualling Office are called in. (1) *Q.* What strength can be possibly prepared for the sea in 14 days, excepting the men? *A.* I cannot possibly tell now, but I will lay it before the Board. (2) *Q.* What strength now in the Downs? *A.* There are 8 sail, and the—

Chichester, 80 guns	*Berwick*, 70 guns
Shrewsbury, 80 guns	*Grafton*, 70 guns
Revenge, 70 guns	*Defiance*, 62 guns
Eagle, 70 guns	*Plymouth*, 60 guns
Burford, 70 guns	*Sunderland*, 60 guns
Nassau, 70 guns	*Romney*, 50 guns
Breda, 70 guns	*Burlington*, 50 guns
Edgar, 70 guns	*Ruby*, 50 guns
Essex, 70 guns	*Falmouth*, 50 guns

these ships are ordered to join the 8 ships in the Downs, as are also the—

Portland, 50 guns	*Feversham*, 30 guns
Crown, 50 guns	*Newport*, 20 guns
Lynn, 30 guns	*Flamborough*, 20 guns
Lyme, 30 guns	

The five ships following are ordered for the West Indies, which may be joined to them:—

Assistance, 50 guns	*Scarborough*, 30 guns.
Southampton, 50 guns	*Seahorse*, 20 guns.
Gosport, 30 guns	

Q. What methods they propose for speedy manning the Fleet? *Sir David Mitchell* delivers in in writing the method that was taken

* In MS. Min. there follows an expunged entry, viz.:—Sir Richard Hadock and others of the Navy Board were called in, and of the Victualling Office—Further down there is an entry that the House adjourned during pleasure and was resumed. This does not appear in L. J.

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in 1695, which was read (*see* below). *Q.* Is there any way to man the ships without laying an embargo? *A.* The sense of the Board appears in the above-mentioned paper. *Agreed* the said paper be laid before the House. *Ordered* that the Commissioners of the Admiralty do to-morrow, at 11 o'clock, in the Prince's Lodgings, near the House of Peers, lay before their Lordships in writing what number of ships and of what force can possibly be prepared for the sea in fourteen days, excepting the men. Com. Book. The same day, in MS. Min., the following expunged entry appears:—E. Rochester reported, from the Lords' Committees appointed to consider of the state of the Fleet, that they had received some methods taken for manning the Fleet from Officers of Navy Board and Victualling, which were read, as follows, viz.:—The method taken for manning the Fleet in the year 1695, when there was an apprehension of an invasion from Dunkirk and those parts. The civil magistrates of Kent and about Portsmouth were ordered to secure all straggling seamen, and to send them to the Commissioners residing nearest to the place where they should meet with them. The Commander-in-Chief in the river Medway was likewise directed to hasten all ships from thence and the Nore to the Downs, and Capt. Aston, Master Intendant on Float, to do the like to all men-of-war, fireships and other vessels fitting out in the river, and all the boats belonging to the ships at the Nore and Blackstakes were ordered to come up the river of Thames, to press watermen, bargemen, lightermen and others working or plying on the said river; besides which, general orders were issued to press all without distinction, except such as were employed on necessary services of the Navy, Ordnance, Victualling, &c.; and in [this] regard there was an embargo laid on [the crews of] all merchant ships. It was ordered that a third part of them belong[ing] to those outward bound should be taken from them for the more speedy putting the Fleet into a condition to prevent the enemy's design.*

On 21 Feb., in Select Committee, E. Rochester in the Chair, Sir David Mitchell is called in, as also the Commissioners of the Navy, &c. He delivers in the number of ships that may be prepared in 4 [14 ?] days, which is read. *Q.* Whose care is it to get the men? *A.* It is the Captains', and they are taking all the care they can, and we have ordered them to do so. They [the Commissioners] desire a letter from the Commissioners of the Navy to the Admiralty, dated 26 Feb. 1689, concerning the method of manning ships, may be read, which was accordingly done out of their books. Sometimes the Admiralty have ordered a Flag Officer to do it, and it would be of advantage to do so now. *Q.* Whether the 9 great ships had not better be last set out? *A.* My private opinion is that the lesser ships had best be first set out; but I pray the Board may be asked. *Mr. Coleby*, one of the Commissioners for Victualling the Navy, says that provisions are making for 10,000 men, as they were ordered, and when they receive further order they will make provision accordingly. They withdraw. *Ordered* that to-morrow at 11 o'clock the Commissioners of the Admiralty lay before their Lordships in writing whether they do not conceive it would be best to defer manning the 4 First Rate and the 5 Second Rate ships mentioned

* Then follows an entry, not in L. J., as follows:—House moved to address to the King to lay an embargo upon all merchant ships, and to order the usual form to be executed by the watermen for returning the names of persons for seamen. MS. Min. 20 Feb.

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in their paper delivered in this day, until the Third and Fourth Rate ships therein also mentioned are manned. *Ordered* that the Commissioners for Victualling the Navy do to-morrow at 11 o'clock lay before their Lordships in writing how soon provision will be ready for the 29 ships, viz., 12 of the Third and 17 of the Fourth Rate, mentioned in a paper this day delivered in by the Commissioners of the Admiralty. *Ordered* the House be acquainted with the within mentioned letter of the 26 Feb. 1689, in their Book fol. 800, to be considered by them. Com. Book, 21 Feb. The same day, in the House, *E. Rochester* reported from the Committee that they had sent for Sir David Mitchell and some officers of the Victualling, and the Committee had asked them this question, What number of ships, and of what force, can possibly be prepared for the sea in 14 days, excepting the men? To which they have this morning answered in writing. They were asked what methods have been used for men, and they referred us to a letter from the Navy Board which was in the Book of the Office, which was here. The letter was read out of the Book of the Admiralty, 26 Feb. 1689. The Committee came to no opinion in this case, but hope your Lordships will give directions, as the House shall think fit. House moved to draw an Address to be presented to his Majesty upon the Report this day, in order to the speedy manning out of a Fleet, and to get the concurrence of the House of Commons. *Proposed* to consider whether the method reported and read out of Admiralty Book should be put in practice. *Proposed* a Committee of both Houses to consider the state of the fleet, and how to speed the fitting out a fleet in this conjuncture. *Moved* (1) To agree that an Address to the King for public notice that all seamen abroad upon recalls should have their public recalls paid them upon their return; (2) That such seamen as come in shall have 6 weeks advance or bounty; (3) That his Majesty send down a Flag Officer to take care that the Captains do their duty in manning the Fleet, and receiving such orders as shall be sent to him, and what other methods the King shall think fit. *Ordered* that the Committee to consider of the state of the Fleet do draw an Address to be presented to his Majesty upon these three heads, and to sit to-morrow 10 o'clock. MS. Min. L. J., XVI. 605.

On 22 Feb., in Select Committee, E. Rochester in the Chair, a draft of an Address being drawn and read was agreed to be reported. Sir David Mitchell and the Commissioners for Victualling, &c., are called in, and he gives in an answer to the question sent to the Board of Admiralty yesterday. The Commissioners for Victualling also deliver in a paper (Annex (*a*)) in pursuance of the Order yesterday. Com. Book 22 Feb. The same day the Address prepared by the Committee was reported to the House and agreed to. L. J., XVI. 605. On 25 Feb. the King answered that he had given orders in accordance with the Address. *Ib.* 607. On 11 March, *Agreed* to send for L. Haversham, and, if not at the Office, Sir David Mitchell [to] come. *Moved* to send to the Admiralty to lay a state or account of what forwardness the Fleet is now in, or of the present state of the Fleet. *Ordered* to be done weekly. MS. Min. L. J., XVI. 619. The Lord Haversham laid before the House states of the Fleet, in writing, on March 13, 20, and 28, and April 11 and 24 (Annexes (*b*), (*c*), (*d*), (*e*), and (*f*), L. J., XVI. 621, 629, 636. No entry of last two.].

Annexed:—

(*a*) 22 Feb. An account of the ships now in victualling and ordered to be victualled at London and the several Out Ports,

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and by what time they may each of them be victualled for six weeks:—

—	Number of Men.	At what Port.	By what time they may be victualled.
3rd Rates.			
Chichester Guardship	322	At Portsmouth	May be dispatched in a day or two.
Shrewsbury - -	—	At Plymouth	We hope is victualled, our agent having had orders some time since.
Revenge Guardship -	293	At Chatham -	May be dispatched in a day or two.
Eagle Guardship -	293	„ „ -	All their provisions is gone from hence, so will be on board in a day or two.
Burford Guardship -	293	„ „ -	
Nassau Guardship -	293	At Portsmouth	May be dispatched in a day or two.
Breda - -	293	„ „	May have their provisions in ten days time.
Edgar - - -	284	„ „	
Essex - -	293	At Chatham -	
Berwick - -	293	„ „ -	
Grafton - -	293	„ „ -	
Defiance - -	—	At Plymouth	We hope is victualled, our agent having had orders some time since.
4th Rates.			
Plymouth - -	206	„ „	We hope is victualled, our agent having had orders some time since.
Sunderland Guardship	221	At Portsmouth	May be dispatched in a day or two.
Romney Guardship -	149	At Chatham -	Her provisions will all go from hence this day.
Burlington - -	149	At Plymouth	We hope is victualled, our agent having had orders some time since.
Ruby - -	149	At Portsmouth	May have her provisions on board in ten days' time.
Falmouth - -	149	At Chatham -	May have her provisions in ten days.
Colchester - -	—	„ „ -	No warrant for victualling of them, but may be victualled in 14 days after we have received orders.
Oxford - -	—	„ „ -	
Pendennis -	—	At Plymouth	
Crown - - -	149	—	Indented the 19th inst. at London for 10 weeks.
Hampshire - -	149	—	Indented the 15th Jan. at London for 3 months.
Salisbury - -	149	—	Indented the 23rd Dec. last at London for 4 months.
Worcester - -	149	—	Indented the 15th Jan. last at London for 3 months.
Winchester - -	149	—	Indented the 15th Jan. last at London for 2 months.
Portland - -	149	At Sheerness -	Has some beer aboard, and will have the rest of her provisions with all speed.
Assistance - -	197	In the Hope -	Has all aboard that she can take in for 8 months.
Southampton -	197	„ „ -	Has 34 tuns of beer on board, will have the rest of her provisions in two or three days time.

Dated this day. *Endorsed* Copy of the list that came from the Lords with an account when the ships will be victualled. [Delivered this day to the Select Committee by the Commissioners for Victualling. Com. Book.]

(*b*) 13 March. A list of his Majesty's Ships now in pay at home, besides those employed on the coast of Ireland and several Fireships and small vessels fitting out, with an account of their captains' names, their middle complements of men, and the

numbers borne and mustered on each of them, according to the last accounts :—

Rate.	Ships.	Captains.	Complements.	Borne.	Mustered.	Where they now are.
3	*Triumph*	Wm. Bokenham	562	23	23	at Chatham.
	Barfleur	Tho. Jennings	562	114	90	
	Namur	John Munden	562	38	38	
	Boyne	And. Pedder	398	Just ordered to be fitted out.		at Portsmouth.
	Eagle	Wm. Kerr	370	280	248	in the Downs.
	Revenge	Tho. Ley	370	277	267	going from Blackstakes to the Downs.
	Burford	Sim. Foulkes	370	286	284	
	Chichester	Rob. Robinson	398	248	228	at Spithead.
	Nassau	Ephr. Myngs	370	194	182	
	Essex	John Hubbard	370	270	243	at Chatham.
	Grafton	Tho. Harlow	370	273	243	
	Berwick	John Leake	370	280	110	
	Edgar	Rt. Syncock	360	99	90	at Portsmouth.
	Breda	Ephr. Fogg	370	197	143	
	Defiance	John Johnson	312	90	77	at Plymouth.
	Shrewsbury	Ch. Cornwall	398	100	83	
	Ranelagh	Ja. Greenway	398	150	66	at Chatham.
	Torbay	Ld. Hamilton	398	41	30	
	Somerset	Ed. Good	398	45	34	
	Newark	Rd. Clarke	398	106	60	
	Bedford	H. Haughton	370	76	60	
	Ipswich	Isa. Townsend	370	118	68	
	Kent	John Jennings	370	76	75	
	Monmouth	Edw. Bibb	312	162	94	
	Stirling Castle	H. Martin	370	90	84	
	Suffolk	Tho. Fowlis	370	125	125	
	Swiftsure	W. Jumper	336	176	100	
	Yarmouth	W. Whetstone	370	43	28	
	Orford	Ger. Elwes	370	42	28	
	Resolution	Bazl. Beaumont	336	21	19	at Portsmouth.
	Royal Oak	Rd. Edwards	380	39	34	
4	*Romney*	John Fletcher	197	174	153	in the Downs.
	Portland	Edw. Whitaker	197	156	146	
	Crown	Rt. Wynn	197	147	139	
	Salisbury	Rd. Lestock	197	167	158	
	Hampshire	And. Leake	197	147	138	
	Worcester	Pet. Watton	197	163	159	
	Winchester	Rich. Wyatt	197	162	158	
	Falmouth	Rt. Kirktown	197	126	83	at Chatham.
	Sunderland	Tudr. Trevor	278	156	137	at Portsmouth.
	Ruby	Rd. Kirkby	197	111	98	

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Rate.	Ships.	Captains.	Complements.	Borne.	Mustered.	Where they now are.
4	*Burlington*	Tho. Cleasby	197	105	89	at Plymouth.
	Plymouth	Pet. Pickard	264	170	150	
	Centurion	John Price	197	179	131	at Woolwich.
	Oxford	Gasp. Hicks	236	27	18	at Sheerness.
	Southampton	Ja. Moody	197	215	215	in her way to the Downs.
	Assistance	John Graydon	197	193	180	in the Downs.
	Colchester	John Redman	197	42	26	at Chatham.
	Mountague	W. Cleaveland	274	148	126	
	Windsor	W. Gifford	278	32	18	
	Exeter	Ja. Stewart	278	33	26	at Portsmouth.
	York	John Knapp	264	27	27	
	Pembroke	John Baker	278	12	12	
	Dunkirk	Tho. Robinson	264	14	14	
	Greenwich	Steph. Elliott	236	17	17	
	Jersey	Rob. Stapleton	197	30	20	
	Pendennis	Ch. Strickland	197	No account as yet.		at Plymouth.
	Kingston	John Leader	278	30	21	
	Medway	Ch. Wager	278	23	19	
	Chatham	Rt. Hancock	197	No account as yet.		
	Dover	Nich. Trevanion	197	82	64	at Sheerness.
	Bonadventure	Fleetwd. Emms	197	219	189	at Woolwich.
	Deptford	Edm. Loades	197	170	123	
	Norwich	And. Douglass	197	160	100	
5	*Kinsale*	John Hartnell	115	No account as yet.		at Plymouth.
	Terrible	Wm. Urrey	115			
	Betty	Pereg. Bertie	115	8	8	at Sheerness.
	Charles Galley	H. Middleton	115	134	85	in the Hope.
	Lowestoft	John Underdown	115	94	93	in the Downs.
	Poole	John Cranby	115	87	84	
	Faversham	Ph. Cavendish	115	104	101	
	Adventure	John Herne	160	41	21	at Sheerness.
	Lynn	Edw. Acton	115	78	62	
	Sheerness	Rich. Paul	115	129	98	in the Hope.
	Gosport	Hen. Crofts	115	80	62	in the Downs.
	Scarborough	Ch. Desborow	115	103	68	at Portsmouth.
6	*Queenbrough*	Edw. Owen	95	70	68	in the Downs.
	Essex Prize	John Aldred	60	59	56	
	Seahorse	Went. Paxton	95	44	26	at Sheerness.
	Sexford	Geo. Clements	95	30	10	at Portsmouth.
	Penzance	Tho. Lawrence	95	41	39	at Deptford.
	Newport	Sal. Morrice	95	114	101	in the Hope.
	Flambrough	Rob. Hughes	95	112	112	in her way to the Downs.
			21,466	8,842	7,303	

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Signed Haversham, G. Rooke, D. Mitchell, Geo. Churchill. *Countersigned* J. Burchett. *Dated* Admiralty Office 12 March. *Endorsed* Musters of his Majesty's Ships in pay at home. Laid before the House this day by Lord Haversham. L. J., XVI. 621.

(*c*) 20 March. Similar statement, with same heading, giving the same particulars for 84 ships, grouped according to station, viz. :—

In the Downs	1 Third Rate 8 Fourth „ 1 Fifth „ 2 Sixth „	= 12
At Chatham	3 Second Rate 12 Third „ 3 Fourth „	= 18
At Blackstakes	4 Third Rate 1 Fourth „	= 5
At Sheerness	2 Fourth Rate 3 Fifth „ 1 Sixth „	= 6
At St. Helen's	2 Third Rate	= 2
At Portsmouth	5 Third Rate 9 Fourth*„ 1 Fifth „ 1 Sixth „	= 16
At Plymouth	2 Third Rate 6 Fourth „ 2 Fifth „	= 10
In the Hope	1 Fourth Rate 2 Fifth „	= 3
At Woolwich	3 Fourth Rate	= 3
At Deptford	1 Sixth Rate	= 1
Sailed for Spithead	1 Fifth Rate	= 1
Sailed for the Downs	2 Third Rate 1 Fourth „ 1 Sixth „	= 4
Gone a cruising	2 Fifth Rate 1 Sixth „	= 3
		84

The totals brought out are 21,645 for middle complements, 12,933 men borne and 10,915 mustered. *Signed, countersigned,* and *endorsed* as in preceding paper. *Dated* 18 March. Laid before the House this day by L. Haversham. L. J., XVI. 629. [*See also* Note to first paper].

(*d*) 28 March 1701. Similar statement, with same heading, giving the same particulars for 86 ships, grouped according to station, viz. :—

In the Downs	5 Third Rate 11 Fourth „ 2 Fifth „ 2 Sixth „	= 20

* One, the *Bristol,* Capt. Cha. Desborow, is marked as just ordered to be fitted out.

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At Chatham	2 Second Rate 5 Third „ 2 Fourth*„	= 9
At Blackstakes	1 Second Rate 11 Third „ 2 Fourth „	= 14
At Sheerness	2 Fourth Rate 3 Fifth „ 1 Sixth „	= 6
At Portsmouth	4 Third Rate 8 Fourth „ 1 Fifth „	= 13
At Spithead	1 Fourth Rate 2 Fifth „ 1 Sixth „	= 4
At Plymouth	2 Third Rate 5 Fourth „ 2 Fifth† „	= 9
In the Hope	3 Fourth Rate	= 3
In Gallion's Reach	1 Sixth Rate	= 1
Sailed for the Downs	1 Third Rate	= 1
Gone a cruising	1 Fourth Rate 3 Fifth „ 2 Sixth „	= 6
		86

The totals brought out are 22,036 for middle complements, 16,334 men borne and 14,416 mustered. *Signed, countersigned,* and *endorsed* as in preceding paper. *Dated* 25 March 1701. Laid before the House this day by L. Haversham. L. J., XVI. 636. [*See also* Note to first paper].

(*e*) 11 April. Similar statement, with same heading, giving the same particulars for 83 ships, grouped according to station, viz.:—

In the Downs	12 Third Rate 18 Fourth „ 3 Fifth „ 2 Sixth „	= 35
At Chatham	1 Third Rate 1 Fourth „	= 2
At Blackstakes	3 Second Rate 11 Third „ 3 Fourth „	= 17
At Sheerness	2 Fourth Rate 3 Fifth „ 1 Sixth „	= 6
At Portsmouth	2 Third Rate 4 Fourth „ 1 Fifth „	= 7
At Plymouth	4 Fourth Rate 1 Fifth‡ „	= 5

* One, the *Gloucester*, Capt. Tho. Butler is marked as just ordered to be fitted out.

† One, the *Kinsale*, Capt. Jno. Hartnell, is marked, No account of men borne and mustered.

‡ The *Kinsale* marked as in preceding paper.

In Gallion's Reach - -	1 Sixth Rate	=	1
On their way to the Downs -	2 Third Rate 2 Fourth „	=	4
Gone a cruising - - -	1 Fourth Rate 3 Fifth „ 2 Sixth „	=	6
			83

The totals brought out are 21,796 for middle complements, 18,920 men borne and 17,190 mustered. *Signed* Haversham, D. Mitchell, Geo. Churchill. *Not countersigned.* *Endorsed* as in preceding paper. *Dated* 1 April. *Marked* as delivered by L. Haversham this day. No entry in L. J. or MS. Min. [*See also* Note to first paper.]

(*f*) 24 April. Similar statement, with same heading, giving the same particulars for 101 ships, grouped according to station, viz. :—

At Spithead - - -	1 Second Rate 23 Third „ 17 Fourth „ 3 Fifth „	=	44
In the Downs - -	2 Third Rate 8 Fourth „ 2 Fifth „ 1 Sixth „	=	13
At Blackstakes - -	2 Second Rate 2 Third „ 2 Fourth „	=	6
At Sheerness - - -	3 Fourth Rate	=	3
At Chatham - -	1 Third Rate 1 Fourth „	=	2
In Portsmouth Harbour - -	6 Third Rate 2 Fourth „	=	8
At Plymouth - -	2 Fourth*„ 5 Fifth*† „	=	7
At Woolwich - - -	2 Fourth Rate	=	2
At Deptford - -	1 Fifth Rate	=	1
On their way to Spithead -	1 Fourth Rate 2 Fifth „ 1 Sixth „	=	4
Gone a cruising - -	1 Third Rate 3 Fourth „ 3 Fifth „ 4 Sixth „	=	11
			101

The totals brought out are 24,181 for middle complements, 22,069 men borne and 21,071 mustered. *Signed* Pembroke, Haversham, D. Mitchell, Geo. Churchill. *Countersigned*

* The *Assistance*, Fourth Rate, and *Feversham*, Fifth Rate, Capts. Jno. Graydon and Phil. Cavendish, are marked as ordered to Newfoundland.

† One, the *Winchelsea*, Capt. Rd. Short, is marked, No account of men borne and mustered. The *Kinsale* gives an account.

1700–1701. — No. 1571. J. Burchett. *Endorsed* as in preceding paper. *Dated* 22 April 1701. Marked as brought in by L. President this day. No entry in L. J. or MS. Min. [*See also* Note to first paper.]

1572. Feb. 21. Writs of Summons.—Writs of Summons to the following Peers, who took the Oaths this day. *Dated* 26 Dec. 1700. L. J., XVI. 604.

(1.) Charles, D. St. Albans.
(2.) John, E. Marlborough.
(3.) William, L. North de Kytling and Grey de Rolleston.

1573. Feb. 22. Writ of Summons (L. Cornwallis).—Writ of Summons to Charles, L. Cornwallis. *Dated* 26 Dec. 1900. [Took the Oaths this day. L. J., XVI. 605.]

1574. Feb. 22. Roland Wood (Petition for Bill).—Petition of Roland Wood, Gent. On Petitioner's marriage with Judith, his now wife, in consideration of her marriage portion, his father settled Ebworth farm, Gloucestershire, (then in mortgage), on trustees, to the use of Petitioner, his wife and their issue. It was agreed that if the farm were sold his father should settle other lands, held of the Bishop of Gloucester, instead. A clause in the settlement provided for the raising of 1,000*l.* portion in case one daughter were the only issue. There is only one daughter and it has been agreed to sell the farm, and Petitioner's father is ready to substitute the aforesaid other lands, which are of greater value. Prays leave to bring in a Bill for the purpose. *Signed* Roland Wood. L. J., XVI. 605. [Leave given, but Bill never brought in.]

1575. Feb. 22. Marsham's Estate Act.—Amended Draft of an Act to enable Sir Robert Marsham, Knt. and Bart., to dispose of lands in Hertfordshire and to settle other lands of better value in Kent to the same uses as the lands in Hertfordshire are settled. The three amendments made in the Select Committee were of a drafting nature. The value of the lands in Kent was proved to be greater than that of the property in Hertfordshire. Com. Book March 10, 11. The Commons made several amendments which are set out in C. J., XIII. 490. [Read 1ª this day. Royal Assent 12 June 1701. L. J., XVI. 605, 738. 13 Will. III. c. 14 in Long Cal.]

Annexed :—

(*a*) 18 Feb. Petition of Sir Robert Marsham, Bart. Prays leave to bring in a Bill to substitute lands of a greater value in Kent for those in Hertfordshire settled on his marriage with Dame Margaretta, his wife, which are very inconvenient and remote from his other property, and which he wishes to dispose of. *Signed* Robert Marsham. L. J., XVI. 601.

1576. Feb. 24. Thomas *v.* Kemeys.—Petition and Appeal of Sir John Thomas and Dame Elizabeth, his wife. Edmond Thomas, of Wenvoe, Glamorganshire, brother of Appellant Elizabeth, on the marriage of his son William with Mary, daughter of Philip, Lord Wharton, settled divers lands upon them and their sons with a provision in case they had only a daughter for raising 5,000*l.* to be paid to such daughter at the age of 18 or on her marriage, with interest from the date of her father's death. The issue of the marriage, being one son and one daughter and there being no provision under the settlement for a daughter, except in the case of there being no sons,

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William Thomas settled divers other lands upon trustees in order to pay 5,000*l.* to his daughter at the age of sixteen or on her marriage and also maintenance in the meantime.

William Thomas died a year later, and his son died without issue in 1692, consequently the whole estate of the family came to Anne, the daughter, as heir-at-law, whilst the mother, as executrix under her son's Will, got the profits of the estate.

Anne reached the age of eighteen, but died a fortnight later, and on being asked by the minister who attended her how she would dispose of her property, answered in general words that she left it to her mother, brother and sisters, meaning her mother's son and daughters by her second husband, Sir Charles Kemeys. She also mentioned some specific legacies. Sir Charles and Lady Kemeys took out a plain administration as if Anne had died intestate, but some of the legatees sued them to repeal the administration. An administration, with the nuncupative Will annexed, was then granted to Lady Kemeys, by which she and her children have gained two houses in Holland and about 4,000*l.* in money which would have come to Appellant Elizabeth.

Anne had also 4,000*l.* ready money, securities for large sums, and jewels of great value, all which as personal estate together with two years' profits of the real estate went to Lady Kemeys and her children. In spite of this she and her husband claim both the sums of 5,000*l.*, which were limited to the daughter, and have brought ejectments and got judgment in the name of the surviving trustees.

Appellants brought a Bill in Chancery to stay the proceedings and to compel Respondents to assign to them the several terms. The Lord Chancellor decreed that the terms for years were not discharged by the inheritance vesting in Anne Thomas, and that one sum of 5,000*l.* ought to be charged upon the estate, besides maintenance till she was sixteen and full interest for the 5,000*l.* from that time. Pray that the Decree may be reversed and Respondents ordered to answer. *Signed* by Appellants. *Countersigned* Wm. Whitelocke, Wm. Dobyns. L. J., XVI. 606.

[The Appeal and Cross Appeal were heard and dismissed on 8 April 1701. *Sir Thomas Powys* opens the case for the Appellants. He cites Lord Poulett's case in Chancery, and in this House and Mr. Nerbon's in Lord Nottingham's time. If they do not admit the limitations on the deeds, which I believe they do, we [will] not read deeds. *Mr. Dobyns* heard on the same side. *Sir Bartholomew Shore* heard for Sir Charles Kemeys: The question is—a man is seised in fee simple. Upon the marriage of his son he makes a settlement, and the question is whether this is good. It was a personal interest in her and a husband is entitled to it, so her executor or administrator must have it now. We are in possession of a term by law. *Mr. Pooley* heard for Respondents. The deeds read as to the terms raised by the deeds and the 5,000*l.* and the limitations therein. The proviso read also. *Sir Thomas Powys* replies: I desire to argue two or three things with them. Which is in the right is the main matter. By Law it is my Lord Wharton's and Goodwin Wharton's, and this the 12 Judges will tell you. Is it for this reason to be so in a Court of Equity? *Sir Bartholomew Shore* heard and says, We are Appellants also. *Sir Thomas Powys* opposes it. Counsel withdraw and after debate the *Question* was put, Whether the Decree shall be reversed? It was resolved in the negative. *Ordered* that the Petition be dismissed and Decree affirmed, and that both the Appeals be dismissed. MS. Min. L. J., XVI. 645–6.]

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Annexed:—

(*a*) 17 March. Petition of Respondent Sir Charles Kemeys. He had a violent cold, which turned to a fever and since to the gout, so that he has not been able to prepare his Answer. Some of his most material papers were left in Glamorganshire. Prays for three weeks' further time to answer. *Signed* Cha. Kemeys. *Endorsed* as read this day. L. J., XVI. 625.

(*b*) 26 March 1701. Answer of Sir Charles Kemeys, Bart., Charles, Jane and Mary Kemeys, his children, and the Rt. Hon. Thomas, Lord Wharton and Goodwin Wharton, Esq. On the death of Lady Kemeys, Sir Charles took out letters of administration of Anne's goods and chattels. Respondents were advised that they were entitled to the 5,000*l.* with the 3*l.* per cent. for maintenance and also to the other 5,000*l.* and maintenance money which Appellants refused to pay. They therefore caused ejectments to be brought against the tenants to recover possession and obtained judgments. The Lord Chancellor decreed that only one sum of 5,000*l.* should be raised, but that all the lands should be charged with that sum and maintenance money and referred it to a Master to take an account of the rents and profits since the death of Sir Edmund Thomas. Appellants have no reason to complain of the Decree. Respondents intend to appeal from it in hopes of getting the other 5,000*l.*, as the fact that the inheritance descended to Anne could not merge the other settlements, nor ought she to be prevented of disposing of the 5,000*l.* nor should the benefit of it be taken away from her next of kin the Respondents, in favour of Appellant Elizabeth, who has an inheritance of great value. *Signed* by Respondents. *Countersigned* Tho. Vernon, Hen. Poley. *Endorsed* as brought in this day.

(*c*) 28 March. Cross Appeal of Sir Charles Kemeys, Bart., Charles, Jane, and Mary Kemeys, his children, and Thomas, Lord Wharton and the Hon. Goodwin Wharton, Esq. Sir John Thomas and Dame Elizabeth have appealed against the Decree thereby insisting that both sums of 5,000*l* are extinguished by the descent of the inheritance to Anne. Petitioners also appeal against it. They insist that both sums of 5,000*l.* ought to have been decreed to them, and pray that the Decree may be rectified and that their Appeal may be heard at the same time as the Appeal of Sir John Thomas and his wife. *Signed* by Appellants. *Countersigned* Tho. Vernon, Hen. Poley. *Endorsed* as read this day. L. J., XVI. 636.

(*d*) 1 April. Answer of Sir John Thomas, Bart., and Dame Elizabeth, his wife. Contend that both sums of 5,000*l.* ought to be extinguished and that neither of them ought to be raised. *Signed* by Respondents. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

1577. Feb. 25. E. Sandwich *v.* E. Lichfield.—Petition and Appeal of Edward, Earl of Sandwich, and Lady Elizabeth, his wife, John, Viscount Lisburne, and Lady Mallett, his wife, and the Honourable Francis Greville, Esq., and Lady Anne, his wife. Henry, Earl of Rochester, grandfather of Lady Elizabeth, Lady Mallett and Lady Anne, who died in banishment with King Charles II., left an estate in Adderbury, Oxfordshire, part of which was freehold and part held by lease upon lives from the Bishop of Winchester. His widow Lady Anne, as mother and guardian to John, Earl of Rochester, sold Wilmot

House, in Scotland Yard, and got Dr. Duppa, then Bishop of Winchester, to renew the leases upon favourable terms. On the deaths of some of the persons for whose lives the leases were granted, she inserted the names of other persons on payment of fines, the last of whom was the Earl of Lichfield. In 1682 Lady Anne conveyed the manor of Adderbury and other leasehold property to trustees, and left it by Will to the Earl of Lichfield and his sons successively. On her death, Appellants exhibited their Bill in Chancery against E. Lichfield to have an account of the rents and profits so far as to have them applied to the discharge of the fines and to have an assignment of the leases on payment of what was due for charges on renewals and improvements. E. Lichfield and the other Respondents opposed the taking of any account and exhibited their Bill and maintained that Anne, Countess of Rochester, having advanced large sums to her husband during his banishment, had become in equity a purchaser of the estate. On the Causes being heard Appellants' Bill was dismissed as regards the leasehold estate, but a trial at law was ordered to find out how much freehold or copyhold property belonged to Henry, E. Rochester, at his death, and all that was found to be leasehold was to go to E. Lichfield. Appeal from this Order, as the manor has been held by the family since the 10th year of King James I. and is their ancient seat and estate. *Signed* Sandwich, F. Greville. *Countersigned* Will. Cowper, J. A. Sloane. L. J., XVI. 607. [At the Hearing on 22 March *Sir Bartholomew Shore* heard for Appellants: This lease was the ancient [seat] of the family. The purchase was for a fine of 2,000*l.* for sufferings. The benefit ought to redound to the family. If it had been a renewal, the benefit must have been to the same persons as before. *Sir Thomas Powys* heard for Respondents: We hope the Decree is right that there are freehold and copyhold, but so small and inconsiderable that they are not valuable. They set up a trust of 40 years standing. The question is whether when the lease was taken of the Bishop there was a trust in the lady. *Mr. Pooley* heard for Respondents: This must be originally, say they, from the year 1660. They read Sir Walter St. John's and other depositions. *Mr. Cowper* heard in reply for Appellants: We desire to read to support the testimony of Swift and Gardiner. They were both constantly in the family. We have 16 witnesses to support their credit. MS. Min. The Appeal was dismissed. L. J., XVI. 631.]

Annexed :—

(*a*) 8 March. Answer of Edward Henry, Earl of Lichfield, and his sons, Edward Henry ,Lord Quarrendon, and James, Charles Henry, George Henry and Francis Henry Lee. The Orders appealed against are just and equitable. Anne, Countess of Rochester, purchased the manor and lands in question for her life and for those of two other persons with her own money, and not upon any trust for her son. She paid the fines upon renewal and could dispose of the property as she liked. Pray that the Appeal may be dismissed with costs. *Signed* Litchfield. *Countersigned* Hen. Pooley. *Endorsed* as brought in this day. MS. Min.

1578. February 25. Tidcomb *v.* Boddington and Cholmley.—Petition and Appeal of John Tidcomb, Esq. John Tidcomb, who is Colonel of a Regiment of Foot, contracted in 1695 with James Moyer for the clothing of the Regiment for the following year. The contract was, by desire of Moyer, made in the name of John Cholmley, in trust for Moyer, and payment was to be made on the terms usual in such

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transactions, viz., by an assignment by the Colonel on the Earl of Ranelagh, the Paymaster of the Army, out of the off-reckonings of the regiment for the year 1696 in course as they became due. The Colonel was not to be personally liable unless he himself received the off-reckonings, applied them to other purposes, or prevented the clothier from having the benefit of the assignment; the off-reckonings of each regiment being, by the establishment of the army, intended and set apart for its clothing. It was declared and expressly agreed, at the time when the agreement was executed, that the Colonel should not be personally liable for the clothing. Although the clothing was for 1696 it was not to be solely paid for out of the off-reckonings of that year, part of which had been anticipated for the clothing of the previous year, but was to be paid for when the previous year's clothing had been paid in full, according to the method used in the army. This was agreed to by the contractors, who were aware that the regiment was in debt for the 1695 clothing. For that reason therefore they insisted upon higher prices than usual, amounting to cent. per cent. profit, to which increase the Colonel had to submit. Moyer took Boddington and one Tracey Pauncefort into partnership. It fell to the share of Boddington to supply the clothing for the regiment, and he, in order to make the Colonel pay the money out of his own pocket, brought an action at law against him and recovered a verdict and judgment for the full amount of 2,331*l.* 12*s.* 6*d.*, although he had received 400*l.* of it. The Appellant brought a Bill in Chancery to be relieved, but, though it was shown that an Act of 1697 applying the off-reckonings of 1697 for the payment of the clothiers, who had supplied the army for that year, prevented Boddington receiving the money for the clothing of 1696, the Court did not relieve Appellant, but only directed that the 400*l.* should be deducted from the amount to be recovered. Appeals against the said Decree. *Signed* by Petitioner. *Countersigned* Jo. Hawks, G. F. Ireton. L. J., XVI. 607. [At the Hearing on 9 April the *Solicitor-General* and *Mr. Pooley* were heard for Appellant, and *Sir Thomas Powys* and *Sir Bartholomew Shore* for Respondents. Consideration of the Cause was adjourned to 14 April on which day the House was informed that the parties were agreed. On 15 April the Appeal was dismissed. MS. Min. L. J., XVI. 653.]

Annexed :—

(*a*) 26 Feb. Petition of Appellant for liberty to attend the House to prosecute his Appeal, he being in custody in the Fleet prison. *Endorsed* as read this day. Directions given to search what has been done in like cases. On 27 Feb. Hallett and Kendall's case was read out of the Book (15 April 1675) and leave was given to Col. Tidcomb to attend with his keeper. MS. Min.

(*b*) 4 March. Petition of James Boddington, Esq., and John Cholmley, Gent., praying for three days further to put in their Answer. *Endorsed* as read this day. *Ordered* that three days longer be given. MS. Min.

(*c*) 8 March. Answer of Respondents. Boddington contracted to clothe Appellant's regiment and three other regiments and carried out the contract. Appellant was to be personally liable in case the off-reckonings of the year for which the regiment was to be clothed had been anticipated or fell short so as to deprive Respondent of satisfaction for his debt, and for that reason the Colonel signed an absolute contract at the same time as the assignment of the off-reckonings according to custom. On going to Lord Ranelagh's office Boddington found that the

whole of the off-reckonings for 1696 had been assigned to some other person, of which assignment he never had notice or he would never have taken the contract. Cholmley is not concerned his name being only used in trust for Boddington. The goods were supplied at a rate cheaper by 20 per cent. than those supplied by others in the same trade and no arrangement such as that suggested in the Appeal was made. The clothing for 1697 was done by Pauncefort and Moyer and they received all the off-reckonings for that year with the exception of 400*l.*, which is all that Respondent has received. The custom in the army is for 2*d.* a day to be deducted from the pay of each soldier (except officers' servants) by the Colonel, and the Colonel has to take care that more is not spent upon clothing in the year than will be covered by the sum so deducted, or, if more is spent in a year, it is for him to save something in another year in order to make up the amount, failing this he is personally liable to the clothier. The regiment having gone to Ireland and Respondent having no other remedy caused Col. Tidcomb to be arrested. The Decree appealed against is just and equitable. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Wm. Cowper. *Endorsed* as brought in this day.

(*d*) 20 March. Petition of Respondents praying for a short day for the Hearing. *Endorsed* as read this day. L. J., XVI. 629.

1579. Feb. 26. Box's Divorce Act.—Amended Draft of an Act to dissolve the marriage of Ralph Box with Elizabeth Eyre, and to enable him to marry again. The amendments in the Lords, besides a verbal amendment, were to introduce the clause giving the wife 100*l.* a year (Annex (*d*)), and the consequential words excepting the assignment of the lease of the premises in Saint Mary Colechurch in the clause barring her from any claim on her late husband's property (Annex (*c*)). There were no amendments in the Commons. [Read 1ª this day. L. J., XVI. 608. On 2 April 1701, in C. W. H., E. Nottingham in the Chair, the Bill was read through. The title was read. House was resumed. A debate arose whether this Bill should not be proceeded on until it has been committed 14 days. The Standing Order read. *Ordered* to proceed to-morrow. MS. Min. On 3 April, in C. W. H. as before, the preamble read and agreed. The sentence of Divorce read, under the seal of the Office. The Judgment given in the King's Bench against Wells for the adultery was read. Then the 1st enacting clause was read and agreed. MS. Min. On 9 April in C. W. H., the Bishop of Salisbury in the Chair, the second enacting clause was agreed. The third enacting clause read, as to his being seised of any estate of a wife he shall marry. A verbal amendment was made and the Bill was agreed to the end. A clause offered and read, for paying Mrs. Box 300*l.* [3,000*l.*] out of Mr. Box's estate (Annex (*b*)). *Mr. Sloane*, for Mr. Box: We are agreed, and are willing the clause stand. *Mr. Sherard*, Mrs. Box's trustee, declares he agrees also for her to the clause offered. *Proposed* to agree to the clause, and no interest to be paid until the 300[0]*l.* becomes due. First sheet of clause offered. An amendment made. *On Question:* the clause was agreed to. The exception (Annex (*e*)) agreed. The title agreed. Report to be made to-morrow. MS. Min. On 10 April, on Report, the clause giving Mrs. Box 3,000*l.* was, *On Question*, disagreed to, Contents 13, Not Contents 17: Tellers, E. Warrington, E. Stamford. Leave was given to dissent. The Bill was re-committed to C. W. H.,

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and the House was put into Committee, the Bishop of Salisbury in the Chair. *Moved* that a clause be added for 100*l.* per annum alimony for her life. *Agreed* to. *On Question?* Contents 25, Not Contents 18. A clause for that purpose was offered and agreed (Annex (*d*)). House resumed. *Proposed* to adjourn the House. *On Question:* Whether this Report shall be made to-morrow and Lords summoned to attend? *Resolved* in the negative. Contents 14, Not Contents 23. Then the new clause was reported, as in L. J., XVI. 648. MS. Min. On 11 April a Petition of Elizabeth Box, the wife of Ralph Box, citizen and grocer of London, for the 3,000*l.* agreed on (Annex (*g*)) was read and rejected. The Bill was read 3ª and passed. MS. Min. L. J., XVI. 649. The Bill received the Royal Assent on 12 June. L. J., XVI. 739. 13 Will. III. c. 27 in Long Cal.]

Annexed:—

(*a*) 19 Feb. Petition of Ralph Box, citizen and grocer of London. Petitioner having certain proof that his wife committed adultery with Henry Wells, Esq. The adultery was fully proved last Michaelmas term in the Court of King's Bench, and having this last Hilary term obtained a Definitive Sentence in the Arches Court of Canterbury, prays leave to bring in a Bill to dissolve the marriage between him and his late wife Elizabeth Eyre, and to give liberty for him to marry again. *Signed* Ralph Box. *Endorsed* as read on 18 Feb. and allowed.*

(*b*) 9 April 1701. Amended† Draft of a Clause marked A, offered this day, as follows: And whereas the said Ralph Box had and received the sum of 4,000*l.* for the marriage portion of the said Elizabeth Box. Be it further enacted by the authority aforesaid That the said Ralph Box, his heirs, executors, or administrators, on or before 29 Sept. 1702, shall return, pay, or cause to be paid unto the said Elizabeth Box, her executors or administrators, the sum of 3,000*l.* of lawful money of England, with interest for the same after the rate of 5*l.* for each 100*l.* for a year [to be computed from 1st April 1701], *for so long time as the said 3,000l. shall be unpaid after the said 29th day of September;* and that Joseph Sherwood, of New Inn, in the county of Middlesex, Gent., who, by virtue of an assignment, (&c., as in Act, in the clause giving Mrs. Box 100*l.* a year, down to the words, In trust for and towards securing the paying) the said 3,000*l.* and interest as aforesaid to the said Elizabeth Box, her executors or assigns, upon the said 29 Sept. 1702; and upon this further trust that, if default shall happen to be made in payment of the said 3,000*l.* at the time aforesaid, that then he, the said Joseph Sherwood, his executors, administrators or assigns, shall, by sale, mortgage, or some other disposal of the said messuage and premises, raise the said sum of 3,000*l.*, or so much thereof as can thereby be raised, and interest for the same after the rate of 5*l.* per cent. per ann. from the said [1st April 1701] *29th day of September 1702* till payment thereof, and pay the said 3,000*l.* and interest, or so much thereof as can be raised, to the said Elizabeth Box, her executors or assigns; And from and after and subject to the payment of the said 3,000*l.* and interest as aforesaid, in trust for the said Ralph Box, his executors and administrators. [*Agreed* to this day in

* This Petition was read on 19 Feb. MS. Min. L.J., XVI. 602.

† Additions in italics, omissions in square brackets.

C. W. H., with the substitution of the words in italics for those in square brackets. *Disagreed to* by the House on Report on 10 April, and omitted in favour of the clause in the Act giving Mrs. Box 100*l.* a year. *See* Notes to first paper.]

(*c*) 9 April. Draft, marked B, of the words in the Act excepting the assignment of the lease of the premises in the parish of Saint Mary Colechurch, in the clause barring Mrs. Box from any claim on her late husband's property. [*Agreed to* in C. W. H. this day. *See* Notes to first paper.]

(*d*) 10 April. Draft Clause, marked A, being the clause in the Act giving Mrs. Box 100*l.* a year, down to the words, and that Joseph Sherwood, of New Inn, in the county of Middlesex, Gent., then the words in Annex (*b*), which are there stated to be as in the Act, are marked to be inserted; and after the words, in trust for and towards securing the paying, the words, the said annual rent of 100*l.* on the days aforesaid, are interlined on Annex (*b*) for insertion, and then, in this Annex, follow the words, and that it shall be lawful for the said Elizabeth Box, &c., down to the end of the clause in the Act. [*Agreed to* this day in C. W. H., on re-commitment, in substitution for the clause giving Mrs. Box 3,000*l.* *See* Notes to first paper.]

(*e*) 10 April. Paper of amendments made in C. W. H. and reported this day. L. J., XVI. 648.

(*f*) 10 April. Fair copy of the Bill, as amended in C. W. H. *Ordered* to be engrossed this day. L. J., XVI. 648.

(*g*) 11 April. Petition of Elizabeth Box, the wife of Ralph Box, citizen and druggist of London. Petitioner had several things to offer against the Bill, and did not doubt, but that she should give satisfaction to the House that there was no reason for this extraordinary Bill. Her husband received 4,000*l.* for her marriage portion, and agreed with her that, if she would not oppose the passing of the Bill, he would consent to such a clause as her Counsel would advise for the repayment of 3,000*l.* within a year and a half after the Bill should pass, with interest at 5 per cent.; and Petitioner, relying on such agreement, did not petition to be heard by Counsel before the Second Reading. Prays to be heard against the Bill, and that she may prove the agreement before the Third Reading. *Signed* E. Box. *Endorsed* as read this day and rejected. L. J., XVI. 649.

1580. Feb. 28. Writ of Summons (D. Southampton).—Writ of Summons to Charles, D. Southampton. *Dated* 28 Dec. 1700. [Took the Oaths this day. L. J., XVI. 610.]

1581. Feb. 28. Kirkby *v.* Ormsby.—Petition and Appeal of Temperance Kirkby, spinster, executrix of Dame Jane Ormsby, relict of Sir Edward Ormsby, Knight. On the marriage of Sir Edward in 1662, his father, Robert Ormsby, Esq., in consideration of a marriage portion of 3,500*l.*, settled lands in Limerick upon him and his wife with remainder to his brother Gilbert. Sir Edward becoming infirm, Gilbert managed the estate for him, and in 1678 let most of the jointure land to Thady Quin, an Irish Papist, who covenanted to make great improvements on it. Part of the agreement was that in case of war Quin might surrender the land and then cease to pay rent. On Sir Edward's death in 1684 Lady Ormsby expected to have the full benefit of her remaining jointure, but Gilbert greatly obstructed it until she, in order to save trouble, gave him a lease of the jointure lands at the rent

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of 300*l.* a year, taking a bond from him for 1,000*l.* for performance of the covenant. He paid the rent till 1688, but from that year till 1691 when she died he refused to pay. Appellant, as executrix, got John Lowther, Esq., one of the Commissioners of the Revenue, to demand the rent due from Gilbert Ormsby. It was agreed between them to refer the matter to Robert Rochford, now Attorney-General, and Sir Richard Levinge, then Solicitor-General, who proposed that Gilbert Ormsby should pay Appellant 150*l.* for the rent due in November 1688, and that Appellant should distrain on the lands for the rest. Gilbert Ormsby not complying with this proposal, Appellant sued him for the rent, but ever since 1692 has been kept out by Privilege of Parliament and by an action in the Court of Chancery in Ireland. Respondent exhibited his Bill in the Court of Exchequer there against Appellant, suggesting that, on the troubles breaking out in Ireland in 1688, he was forced to fly to England; that he and Lady Ormsby were attainted and a writ issued to enquire into their estates; that Plumer, one of his tenants, was utterly ruined and that Quin's rent due in November 1688 was levied by King James's collectors.

Appellant believes that the county of Limerick was in a quiet condition till July 1690 and that the troubles there were only from that time till October 1691, and that Quin, being a Papist was unmolested; and this appears from the proceedings in the Court of Exchequer. Moreover there is no proof that Quin offered to surrender the land, which was the condition of his being exempted from rent in time of war, or that Ormsby made him any allowances during Lady Ormsby's life. Ormsby got the Cause heard at the same time as another Cause in which Quin prayed to be relieved against arrears claimed by Ormsby and to oblige the latter to execute a lease for 1,000 years. The Court of Exchequer decreed that Ormsby should pay Appellant 150*l.* and costs, that the lease and bond should be delivered up, that there should be an entire abatement in both cases of all arrears from All Saints 1688 to the death of Lady Ormsby, and that Quin should have his lease. Appeals against this Decree. *Signed* by Appellant. *Countersigned* Ja. Mountague, Wm. Attwood. L. J., XVI. 610. [The Cause was heard on 6 May 1701, *Sir Thomas Powys* is heard for Appellant. They propose to read an Order which is opposed by the other side. It was read. [*Sir T. Powys*]: This is an irregular and erroneous Decree we desire [it] may be reversed. *Mr. Montagu* heard for the Respondent. *Proposed* to read the Decree, which is opposed. The Decree is read. *Counsel* withdraw upon this point, whether Kirkby's rent was rightly put into the Decree. The proofs read in the Cause were not between the Appellant or Respondent or between Ormsby or Quin. To this, Orders of the Chancery were read. The depositions in Quin's Cause were used in the others. She [Appellant] should have brought Quin's case before the Court. *Proposed* to call in the Counsel, and the Lord Keeper to acquaint them with the difficulty that arises concerning the proceedings in Ireland, and adjourn the further consideration of this matter until another time. Counsel are called in and the *Lord Keeper* tells them that their Lordships are under some difficulty in this matter: If you proceed you must make use of the depositions in Quin's Cause, otherwise you have nothing to justify the reversal of the Decree against the Appellant, and, in case you do make use of those depositions, being used in Ireland by consent of the Appellant at the Hearing of this Cause, the Lords are in doubt whether that has not so united the Causes as that you ought to have brought Quin before the Lords as well as the now Respondent. *See* L. J., XVI. 669. On 23 June the House was moved to withdraw the Appeal, the parties

having agreed the matter in difference between them. *Ordered* accordingly. MS. Min.]

Annexed :—

(*a*) 17 April 1701. Answer of Gilbert Ormsby. The marriage portion of Lady Ormsby was 2,500*l.* and only 800*l.* of it was received. The land settled on the marriage was not nearly of the value represented in the Petition of Appeal. The agreement with Quin was made at the earnest solicitation of Sir Edward and Lady Ormsby. By this agreement Respondent agreed to let to Quin part of the jointure land and other land to which Sir Edward had no right. The rent reserved of the whole was not more than 230*l.* a year and the lease was to be for 1,000 years. The unsold jointure land is of less value than that stated. Denies that he obstructed Lady Ormsby from having the full benefit of her jointure or that anyone, except that lady, was a gainer by the lease. *Signed* by Respondent. *Countersigned* James Sloan. *Endorsed* as brought in this day.

1582. Feb. 28. Jermyn's Estate Act.—Amended Draft of an Act to enable Stephen Jermyn to make provision for his younger children, and for the advancement of his eldest son. The principal amendments, made in the Select Committee, were to leave out words excepting the eldest son of Stephen Jermyn from participation in the sum of 3,750*l.* which was to be divided among the children, and to insert the words giving to the other children the share of any child dying before 21 or marriage and before the division of that sum (Annex (*c*)). The other amendments were of a drafting character. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 12 June 1701. L. J., XVI. 610, 738. 13 Will. III. c. 17 in Long Cal. *See* Com. Book March 18, 27.]

Annexed :—

(*a*) 27 Feb. Petition of Stephen Jermyn and Margaretta Maria, his wife, Mary Hobby, widow, William Ivatt and Nathaniel Lacey. In 1682 a marriage was arranged between Stephen Jermyn and Margaretta Maria, an orphan of the city of London. She received a portion of 5,800*l.* in the Chamber of London, and it was agreed that 800*l.* of that sum was to be paid to Stephen after he had entailed an estate in Sussex, worth 350*l.* a year, on the issue male of the marriage, with a life rent to himself and his wife, with a provision that, failing issue male, property not exceeding 400*l.* a year should be vested in trustees for 21 years, to raise money for the maintenance and provisions of the younger daughters; and Stephen was, within two years after marriage, to purchase property in fee simple worth 250*l.* a year, and convey it to Mary Hobby and William Ivatt for that purpose. The 800*l.* was paid and the marriage took place. The Sussex estate was settled and the purchase agreed on; but, before the arrangements were completed, the Chamber of London became insolvent. Stephen was therefore forced to waive the purchase, as he could not receive the 5,000*l.* By the Act for the relief of the orphans of London 4 per cent. interest was provided on the money due to the orphans out of a perpetual fund towards the discharge of these debts. Stephen cannot, without the 5,000*l.*, make provision for his younger children or settle a jointure, without prejudice to his eldest son John, an infant under sixteen. He has preferred Mary, one of his children, to Henry Wolstenholme,

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Gent., with a marriage portion of 1,000*l.*, agreed to be repaid out of the moneys in the Chamber of London. Pray leave to bring in a Bill for the repayment of the 1,000*l.* and the settling of the rest of the 5,000*l.* on Stephen and his younger children. *Signed* by all the Petitioners. [Read this day and leave given. L. J., XVI. 609.]

(*b*) 27 March 1701. Paper of amendments, made in Select Committee this day. The effect of them is given in the principal paper. Com. Book.

(*c*) 27 March. Draft Clause, marked A, giving to the other children the share in the 3,750*l.* of any child dying before the age of 21 or marriage, and before the division of that sum. [Added by the Select Committee this day. Com. Book.]

1583. Feb. 27. Newfoundland Expedition—(Petition of John Norris).—Petitioner is suspended by his Majesty's command from his employment, pursuant to an Address of the House of Lords. He is sensible of his misfortune in lying under the displeasure of the House, and prays that he may be restored to their Lordships' favour in order to serve the King and Kingdom in such a station as his Majesty may think most proper.* [Read this day, when Captain Norris and Captain Desborow were ordered to attend the House on March 4 and to bring such witnesses as they thought fit. L. J., XVI. 609.]

On 4 March *Moved* that Captain Norris be called in and asked what he has to say for himself to induce the House to take off his suspension? Captain Norris was then called in and asked the above question by the Lord Keeper. He was heard. [*Norris*]: I had orders to act in all things as [the] Council of War should agree on. I called such Council and acted as they agreed and I hope I have done my duty as I ought. I was ready and willing to fight. He withdrew. The Address [of] 17 April 1699 read out of the Journal. *Agreed* to call in Captain Norris and Captain Desborow, and ask him [Norris], (1), why he did not go out to attack Ponti [Pointis] when he had such an opportunity? (2) whether his ship was pestered with prize goods that made him incapable to fight? The two captains were then called in. In answer to the first question *Norris* said, I have the Councils of War which were of another opinion. In answer to the second question he replied, I have the officers here who belong to the ship who are ready to swear that

* Captain Desborow's case was inquired into at some length by a Select Committee of the House of Lords in March 1698–9. *See* House of Lords MSS. Vol. III. (New Series), No. 1378 and No. 1448. The details of the Affair were also touched upon in the Introduction to the same Volume, pp. xxxi–xxxiii. There seems little new in the evidence brought before the House on this occasion. Norris explained that, although personally anxious to attack the French squadron, he did not go out of St. John's because he had been instructed to be guided by the opinion of the Council of War. The Council, which was composed of both naval and military officers, decided that the fleet should stay in harbour. Cranby, one of Norris's witnesses, informed the House that the military officers were responsible for this decision, because they believed that the French ships belonged to Nesmond's squadron, which was supposed to outnumber the English vessels. No answer was given to the somewhat pertinent question, "How came the land officers to be judges?" Evidence was given to prove that the ships were clear and ready for action. Norris informed the House that Desborow was tried by Court Martial because he had taken 3 days to bring news to St. John's of the whereabouts of the French ships. As a result of this inquiry the House, probably considering that Norris had acted within the letter of his instructions and had been sufficiently punished by 2 years' suspension, decided to address the King to reinstate him in his command. Twelve Lords protested against this Resolution. *See* Protests of the Lords from 1624–1874, edited by James Thorold Rogers, Vol. I., p. 144.

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the ship was not pestered with goods, but was fit for fighting. Norris's witnesses were then called in. *Desborow* then objected to the captains, who took part in the expedition, giving evidence. *Norris* explained that some of these captains present had no share in the taking of prizes. A Captain proposed to be sworn. *Captain Desborow* opposes it. The parties and their witnesses then withdrew, and it was proposed to ask Captain Norris what he called this gentleman for? Norris and Desborow were then called in alone, and the former was told that he might call in his witnesses one by one, and that he must inform the House upon what points he is calling them. He calls Captain Cranby as to the condition of his ship to fight. *John Cranby* (sworn) says, I was between decks, and his guns were all clear to go on service. This I am sure, there [was] not the bulk of my hat on board. There was a bale of goods divided that morning between the men. I got my ship ready in five hours for service. *Asked* why he went between decks? *A.* And [As] Capt. Norris ordered me to go on service, apprehending the French were near. Capt. Norris commanded me down. I went to wait on him. Four hours after the French appeared. I went between decks. This was 2 days before any intelligence of the French. Capt. Desborow told he might examine him. *Capt. Desborow* asks, whether they at that time, therefore, —— made the division to the men? *Capt. Norris* says there was no prize goods on his ship, but by parcels and distributed in an hour or two. *Capt. Desborow* asks, what day it was that the French appeared? *He* [*Cranby*] says it was the 26 June that the French squadron appeared. *Capt. Norris* desires Cranby to give an account of his behaviour at the Council [of] War. *He* [*Cranby*] says Mr. Norris was desirous to fight; urged it by all means and was always ready and prays and desired they would be for fighting Ponti. *Capt. Desborow* asks, why they did not go to fight? [*Answer*]: Mr. Norris called a Council of War and it was carried by voices not to fight Ponti. The land officers were of opinion that it was Nesmond's squadron and would not fight them, and they could not be made [to] believe it was Ponti's squadron. *Asked* how came the land officers to be judges? *Capt. Desborow* asks, why Capt. Norris refused to fight? *Capt. Norris* says, upon his oath, he never heard Capt. Desborow say no [a] word of what he says now. [*Cranby* says]: Mr. Norris did sign for fighting at the last Council of War. We every one signed a paper. A consultation held on board read. I went to [the] sea officers by Capt. Norris's direction to desire [them] to fight. *Asked* the first time he heard the French were on the coast. *Capt. Norris* gives —— account of the time they heard of the French squadron. *Asked* by —— after they heard the French were on the coast, [if] all the ships were put in posture for fighting? *Cranby* says they were all put into posture for fighting; the officers had orders to get ready. *Capt. Desborow:* If there was not provision made for a boom to defend the French from us? [*Answer*]: We heard that the French squadron was coming to attack St. John's and then there was order for a boom. Nesmond was all the time in the country. *Capt. Norris* says the boom could be taken away before the ships were moving out. *Cranby* [says] the boom was stretched from side to side to 2 rocks, and the cable was 3 or 4 foot under water. Chains were put to prevent the cables cutting. We were drawn into a form of battle. *Capt. Norris* says [it was] upon belief it was Nesmond's squadron that they made that boom. When we were in a line of battle, the sails were bent. *Capt. Desborow:* I am sure those ships could not be ready to go to sea in one day's time I am sure.

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Cranby: I remember Capt. Desborow was sent out to see the ships, and he said upon his return he had not stood near the ships; he said he had been within 4 or 5 miles, which we took to be a fault and sent him out again. *Capt. Desborow* heard as to going out and obeying orders. (Refer to former [evidence]). *Capt Norris:* I gave the order as is usual, and he said he could not tell their force, and I sent him out again, and Ponti put out his light, and he made it 3 days before his return, and I did try him for it. *Captain Cranby* was then dismissed to go about the King's service. *Thomas Clesby* [Cleasby] (sworn) says that that night Desborow came on board he was drunk and could not receive orders, and this my Leift. [Lieutenant] told me; this Leift. was examined at the Court Martial. It appeared plainly to me that Desborow had broke his orders and was justly broke. The ships all the time I was at Newfoundland might be ready in 2 hours. *Capt. Norris* desires Capt. Stapleton may give account whether the ship was fit to fight. It was agreed to hear Capt. Stapleton, although Desborow objected to his being called. *Robert Stapleton* (sworn) says, the ships upon [the] first appearance of [the] French were nearly all in readiness for fighting and all cleared there; Capt. Norris took care to have it done. *Desborow* desires to have recourse to the Journals. [*Stapleton*]: There was but one prize opened and [it] was brought by a long boat. All the prizes had been on board. We could have been ready and cleared in 2 hours time. All the prizes were not 500 tons. *Andrew Elton* (sworn) says, I was aboard [the] *Monk* and I found her clear. I know nothing to the contrary, but that she was clear. I was aboard her when Ponti's squadron was there. [*John*] *Crofts* (sworn): I was aboard Capt. Norris 2 or 3 times a day. I always found his ship clear and fit for fighting. *Henry Hobbert* (sworn): The *Monk* was ready for fighting, and ready for fighting as ever I saw a ship. I have been a Left. [Lieutenant] several years. *Nicholas Trevanion* (sworn) says, the *Monk* was in good condition to fight when Ponti was on the coast. I was in the *Dunwich*. *William Snowball* (sworn) says, the *Monk* was clear and ready to go to sea, and as much as any ship could be. I know it very well. She was clear between decks. *William Whitehead* (sworn) says, I have been at clearing ships and I never saw any clearer than they were when the French were on the coast. I was between decks at the time Ponti was there. *Mony Penny* (sworn) says, our ship, the *Lyme*, was clear. That time [I] was daily board the *Monk*, and I saw nothing in the way. She was clear. I was between deck. *Mr. Desborow* desires Capt. Price may be called in. *John Price* (sworn): I was at the Admir[al] Coffee House and Capt. Desborow came in and told me his case. I was turned out for giving a verbal order and the other was turned out for not obeying the verbal order. *Capt. Norris's* reply. Desborow was not [recalled?]

The case was then adjourned until 6 March on which day it was proposed to leave the parties to his Majesty's favour and to adjourn without doing anything further in the matter. On 7 March a Petition of Capt. Desborow was read (Annex (*a*)) a copy of which was sent to the Admiralty. A Petition of Captain Norris (Annex (*b*)) was also read. On 8 March it was moved that an Address be made to his Majesty that the suspension which Capt. Norris lies under be taken off and [that he be] employed in the Navy according to his course. After a long debate it was proposed to refer the matter to a Council of War. Ultimately however the motion, as set out in the Journal, was proposed. The *Previous Question* was put and carried by 44 votes to 21: Tellers, L. Willoughby de Eresby and L. Ferrers. The

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Main Question was then carried. MS. Min. L. J., XVI. 616. On 10 March the terms of an Address to the King for the restoration of Norris to his command and also of an Address to enable Desborow to receive the benefit of the former Address in his favour, were agreed upon. MS. Min. L J. XVI. 617–18. On 11 March Sir David Mitchell was asked, whether Captain Desborow had been restored to his command? He informed the House that he had a bigger ship than before. MS. Min.

Annexed:—

(*a*) 7 March. Petition of Captain Charles Desborow. Petitioner has not yet received any redress or reparation for his sufferings as was intended by the House of Lords. He was given the command of the *Weymouth* for about 6 months which was of no benefit to him. He now has command of the *Scarborough*, a fifth rate, and several junior officers have better posts. Petitioner has been out of pay for over 3 years, and his losses in all amount to over 2,000*l*. Captain Norris has unjustly detained the shares of prizes taken in the Newfoundland Expedition to the value of more than 40,000*l*. Prays that he may continue to be employed in the Royal Navy, and that he and his men may receive their due share of prize money. *Signed* Chas. Desborow. *Endorsed* as read this day.

(*b*) 7 March. Petition of John Norris, Commander-in-Chief in a late voyage to Newfoundland. Petitioner is highly sensible of his misfortune in lying under the displeasure of the House. He was always in favour of putting out to sea, but thought that under his instructions he was bound to be guided by the decision of the Council of War, consisting of both sea and land officers. Prays that the House will put a favourable construction on his conduct and that he may be re-instated in the King's service. *Signed* Jno. Norris. *Endorsed* as read this day.

1584. March 3. Minshull *v.* Minshull.—Petition of Richard Minshull, Esq. His great uncle John Minshull, younger brother of Sir Richard Minshull, was seised in fee of lands called College Fields and other lands in Dorrington, Salop, worth 60*l*. a year. He left them by his Will to Appellant and his heirs or to his younger brother Francis, since dead without issue. John died in 1678, while Appellant was beyond seas. Peter Minshull, who pretends some relationship to John Minshull, took advantage of his absence and conspired with the other Respondents to get John Minshull, while *non compos mentis*, to execute a conveyance, which they antedated about a month, and to make another Will, which was also antedated, leaving Appellant only a portion of the property. Peter Minshull thus obtained possession of the premises and all the deeds. He did not at first set up a title to the premises, but in his letters said they were left sometimes to Anne, Appellant's mother, sometimes to his father; but he applied successfully to be allowed to farm them at 20*l*. a year. Appellant, hearing he was minded to claim them, brought his ejectment to trial, but was nonsuited, as he was prepared with evidence only as to the Will and had never heard of the conveyance. Appellant then exhibited his English Bill in Exchequer, for discovery of the Respondent's title, which was heard on 24 Feb. 1697–8, and dismissed on 5 Dec. 1699, though Appellant prayed that an issue might be directed to try Respondent's title. Appeals against the Order of the Court of Exchequer, and prays that Peter Minshull, Samuel Sherrard and Thomas and Benjamin Penlington may have a short day to answer.

1700–1701. — No. 1584. *Signed* Rich. Minshull. *Countersigned* John Beresford, Rodney Fane. L. J., XVI. 611. [At the Hearing on 6 March 1701–2, *Sir Thomas Powys* and *Mr. Beresford*, for the Appellant, prayed for a trial at law on the validity of the deed of lease and release, and read depositions of Anne Minshull, John Browne, Tho. Bayly and Rebecca Kendricke. *Mr. Cooper* and *Mr. Phipps*, for the Respondents, said Appellant had had two years for a trial at law, and read several depositions. *Sir Tho. Powys* replied to the discredit of Penlington: The difference between us is that we desire a particular issue to be directed. The Decree was affirmed. MS. Min. L. J., XVII. 59.]

Annexed:—

(*a*) 14 March. Petition of Richard Minshull. Although he had given notice of his Appeal to Mr. Walker, Respondent's clerk, in Court, their solicitor Thomas Husbands took out an attachment against Appellant for the costs below, and required bail through Ralph Nicolls, a bailiff, who said the Appeal was nothing to him. Prays for protection, and that Husbands and Nicols may be proceeded against for their contempt. *Signed* Rich. Minshull. [Read this day. Petitioner (sworn) said, he was not taken into custody. It was then intimated to him by the House that, if they came to him for bail, he was not to give any, and, if they arrested him, he might apply to the House again. MS. Min. No entry in L. J.]

(*b*) 10 April 1701. Joint and several Answers of Peter Minshull, Samuel Sherard, Thomas Penlington and Benjamin Penlington. The Court of Exchequer gave Appellant two opportunities of having a trial at law, which he neglected without giving any excuse. The Order appealed from is just. Pray to be dismissed with their costs of the Appeal. *Signed* by all the Respondents. *Countersigned* William Ettricke. *Endorsed* as brought in this day.

(*c*) 16 Feb. 1701–2. Motion paper for appointment of a day for the Hearing in a week or ten days' time. The Appellant never has stirred in the matter, nor will he stir in it; his end is only to cause delay. *Endorsed* as read this day. [Entered in L. J., XVII. 35 as a Petition.]

1585. March 3. L. Osborne's Privilege (Hodder and Gerling).—Paper containing the names of John Clayton, plaintiff, Jacob Brand, officer, William Pickerin, attorney. *Endorsed* Hodder's Paper, delivered upon being sworn at the Bar. Lord Osborne, 3 March 1700. *See* L. J., XVI. 612. [House moved this day to take notice of a breach of Privilege committed against the L. Osborne by arresting his servant and steward. The witnesses were called in, *Richard Gerling* (sworn): James Hodder was arrested. He is my Lord's servant. He is secretary to my Lord. He was arrested in July last. H. Constable was plaintiff. The officer was Dan. Beverley. I see him there same week. I told the officer he was my Lord's servant. He said, I cannot acquit him. My Lord Marquess was not well when he was in custody. *Tho. Royley:* I was at the house, and I told the officer he was my Lord's servant. He said he could not acquit him. *Ordered* that Constable and Beverley be attached. The House was informed that L. Osborne's steward was arrested. Witnesses called. *James Hodder* (sworn): I know Richard Gerling to be my Lord's servant, and my Lord had a great service from [him], and was going to Sheerness. He is clerk of his kitchen and steward. It was at the suit of John Clayton, Jacob Broad arresting him. I acquainted

Broad he was my Lord's servant. He would not discharge him. *John Winkles* (sworn): He was arrested by Jacob Broad. He was arrested 19 Sept. He kept him in custody two months. Gerling lived in my Lord's family. Wm. Pickenham [Pickerin] was attorney. *John Gerling* says he knows him to be my Lord's servant. He was steward and clerk of the kitchen. *Ordered* that John Clayton, Jacob Broad and William Pickerin, attorney, be attached. Pickerin and Clayton were discharged on 8 March, on L. Osborne's motion, and Broad on 31 May following. MS. Min. L. J., XVI. 612, 617, 715.]

Annexed:—

(*a*) 3 March. Memorandum that James Hodder, secretary to M. Carmarthen, was arrested by Daniel Beverley, serjt., and John Kempt, yeoman, both belonging to Wood Street Compter, at the suit of Henry Constable, shopkeeper, of Penthurst, near Tunbridge. Mr. Tilden, attorney. *Dated* 17 July 1700. *Endorsed* Richard Gerling's paper, delivered upon his being sworn at the Bar. L. Osborne. 3 March 1700. [Gerling was examined at the Bar this day. *See* Notes above.]

(*b*) 3 March. Paper containing the names of the five witnesses examined this day, marked as sworn, together with those of the persons arrested and those concerned in the arrest. *Noted* 3 March, jur. for L. Osborne.

(*c*) 3 March. Letter from John Clayton to Mr. Walker, at the Parliament Office, in the Old Palace Yard, Westminster. Being informed of the motion this day against him for the arrest, he takes this mode of acquainting the House how his case stands, as he is too ill to stir out of his chamber. Last long vacation he ordered Gerling, who owed him money, to be arrested. He did not know that he was L. Carmarthen's servant, and was informed that he was a housekeeper in the Pall Mall. After Gerling was arrested, he turned himself over to the Fleet Prison, and, being a prisoner at large, he brought the writer a letter from L. Carmarthen on 14 Nov., requiring his discharge, which the writer ordered the next day, so he hoped he should hear no more of it. *Dated* this day.

1586. March 3. Atkyns's Estate Act.—Amended Draft of an Act for the vesting and settling certain manors and lands in South Pickenham and other places in the county of Norfolk in trustees, to be sold, and for laying out the moneys arising by sale thereof in the purchase of other [manors and] lands, to be settled to such and the same uses as the said manors and lands so to be vested are and stand settled. The Lords' amendments made in Select Committee, were to leave out the words above in square brackets, and to insert the names of the trustees throughout the Bill. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 12 June 1701. L. J., XVI. 612, 738. 13 Will. III. c. 18 in Long Cal.]

Annexed:—

(*a*) 28 Feb. Petition of Richard Atkyns, Esq., son and heir of Sir Edwd. Atkyns, Knt., Serjt.-at-Law, deceased, and Mary, the wife of the said Richard Atkyns, daughter and heir of Sir Thomas Kinsey, Knt., also deceased. On the marriage of Petitioners certain manors and lands in South Pickenham, &c., in Norfolk, were entailed by Sir Edward Atkyns on their issue male, with life rent first to himself and then to Petitioner Richard, and, failing issue male, vested in trustees for raising portions

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for any daughters; and there was power to the Petitioner to substitute other lands of equal value, with consent of his wife, Sir Edward Atkyns, Sir Thomas Kinsey, Sir Thomas Rawlinson, Knt., Martin Folkes, Esq., and Richard Taylor, Esq., or any four of them. The lands in South Pickenham being remote from his other estates, Petitioner wishes to sell them and buy other lands, but cannot get the requisite consent, as there are no longer four trustees living. Pray leave to bring in a Bill for that purpose. *Signed* Rich. Atkyns. *Endorsed* as read this day. L. J., XVI. 610.

(*b*) 22 March. Paper of amendments made in the Select Committee this day. Com. Book.

1587. March 3. E. Stamford's Privilege (Wakelin).—Affidavit of Samuel Isaac [Izacke]. The Earl of Stamford some time before 1697 obtained a Decree in Chancery against Mr. Edm. Gibbon for the sum of 5,065*l.* 15*s.* 5*d.* In Nov. 1697 he obtained a sequestration of the real and personal estate of the said Mr. Gibbon for the non-payment of the money. Commissioners of sequestration, on behalf of E. Stamford, took possession of two farms in Devonshire. The tenants attorned tenants and paid part of their rents to the Sequestrator's use. In Jan. 1699 one Mr. Davenport, an ironmonger in the city of London, who pretends to be a judgment creditor of Mr. Gibbon, unknown to the Earl, delivered declarations in ejectment. He obtained judgment and took out execution, and the sheriff turned the tenants out of possession in June last. These proceedings, being in time of the Earl's Privilege of Parliament, are a breach of his Privilege. *Noted* as sworn at the Bar by Samuel Isaac this day. *Signed* Sam. Izacke. [This day the House was informed of a breach of Privilege committed against E. Stamford. *Saml. Isaac* (sworn). A paper was read and the witness called in and sworn at the Bar, and the L. Keeper asked him what he knew of this matter? *He says* he was a commissioner of sequestration for E. Stamford against one Gibbon's estate, and the tenants attorned to me for the Earl, and since Mr. Davenport has turned out the tenants. The ejectments were executed in June last. *Ordered* that Davenport be attached. MS. Min. L. J., XVI. 611.]

1588. March 4. Writ of Summons (E. Tankerville).—Writ of Summons to Ford, E. Tankerville, Custod. Privati Sigilli. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 613.]

1589. March 4. L. Osborne's Privilege (Harris, *London Post*).—Copy of *The London Post with Intelligence, Foreign and Domestic*, for February, No. 270 (G), From Monday Feb. 24 to Wednesday Feb. 26, 1700. London, printed by Benj. Harris, next the Golden Boar's Head, against the Cross-Keys-Inn, in Grace-church-street, contains the following passage on second page, "I am told that the *Peregrine Galley*, (which was lately built by the direction of the Right Honourable the Marquis of Carmarthen), is to put to sea on Thursday next, in order to sail towards the French coast, to view what ships of war they have in their harbours, and to learn, if possible, if they were to put to sea, and when, and to make report above as soon as possible." *Endorsed* 4 March 1700. [This day the House was informed that there are some words in the *Postman* that may be prejudicial to the L. Osborne, which words be read. *Ordered* that Benjamin Harris do attend this House on Thursday. On 7 March the House was informed that *Benjamin*

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Harris was at the door, as summoned, who wrote the *Postman* and mentioned my Lord Carmarthen's name and the *Peregrine Yacht*, 26 Feb. Called in. Was asked why he put it into his print? *A.* Mr. James Coningham brought it to me. He lives in Bucklersbury, at Painter's Coffee House. I know nothing more of it. *Ordered* that Coningham and Harris do attend on Monday. *See* Annex (*a*). MS. Min. March 4, 7. L. J., XVI. 613, 615. No further proceedings recorded.]

Annexed :—

(*a*) 7 March. Order for attendance of Coningham and Harris, as follows :—This day Benjamin Harris was heard at the Bar, as to his printing some things in the *Postman* reflecting on the L. Osborne, which are false ; he says he only printed it, and that it was brought to him by Mr. James Coningham, his writer. *Ordered* by, &c., as in L. J. XVI. 615.

1590. March 4. Cornewall *v.* Williams.—Petition and Appeal of Henry Cornewall, Esq. Richard Williams was seised in fee of lands in Brecon, Radnor and Hereford. He devised to his wife an annuity of 250*l.* in lieu of her dower and the rest of his estate to his brother Thomas. After Richard Williams's death without issue, his brother settled an annuity of 330*l.* on his own wife Elizabeth, in consideration of her portion of 3,000*l.*, and entailed the remainder on his heirs male ; failing whom he made a provision of 3,000*l.* for an only daughter when of age and meantime 150*l.* a year for her maintenance. By his Will in 1697 he charged his debts on his personal estate and, if that were not sufficient, on his real estate, the rest of which was to be sold. He appointed Dr. David Williams his executor, leaving the estate to his sons in tail male with remainder to Henry Williams. He soon after died, leaving only an infant daughter Elizabeth Williams. The executor, Dr. Williams, agreed with Petitioner to sell the property to him for 4,500*l.*, and 200*l.* more for the household goods and stock. The latter paid 1,029*l.* 3*s.* 4*d.* due to one Oades upon a mortgage, and 300*l.* to the executor in part payment. The transfer of the premises being opposed by Elizabeth Williams, the widow, and Elizabeth, the infant, who claimed to be heiress to the estate under her father's Will. Petitioner exhibited a Bill in Chancery against them and the trustees, alleging that the whole real estate was swallowed up by the debts charged upon it. Another suit was brought by Elizabeth, John Page, D.D., who had married Richard Williams's widow, and Marmaduke Gwynne, Esq., and others, creditors of Richard and Thomas Williams, against Petitioner and David Williams, and Elizabeth Williams, the widow, and Elizabeth Williams, the infant ; and on 8 June last the Lord Keeper decreed that Petitioner should reconvey the premises to Dr. Williams instead of decreeing that the creditors should be paid out of the purchase money. Appeals against the said Decree, and prays that Dr. David Williams, Henry Williams, Elizabeth Williams, the widow, Elizabeth Williams, the infant, John Page and Marmaduke Gwynne be ordered to answer. *Signed* by Petitioner. *Countersigned* Wm. Whitelocke, Sim. Harcourt. L. J., XVI. 613. [At the Hearing on 12 April 1701 *Sir William Whitelocke* and *Mr. Harcourt* were heard for Appellant. *Sir Thomas Powys* and *Mr. Pooley*, for Respondent, admitted Cornewall had the same interest as Dr. Williams, but urged that the point in question was on the words of the Will, and that the Decree expressed the opinion of the Lord Keeper, the Master of the Rolls and several Judges. *Sir William Whitelocke*, in reply : The question is

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whether any man that had a power to sell shall be over-ruled by a Court of Equity; no man can deny but Dr. Williams might sell. The Decree appealed from was affirmed. MS. Min. L. J., XVI. 650.]

Annexed:—

(*a*) 25 March 1701. Answer of Elizabeth Williams, Respondent, an infant of about 4 years of age, by Ursula Taylor, her guardian. She is the only daughter, heir and devisee of Thomas Williams. Her father's estate was worth 850*l.* a year. The Decree complained of was made by the Lord Keeper, assisted by the Master of the Rolls, Mr. Justice Powell and Mr. Justice Blencowe on 8 July. Chief Justice Treby, to whom a case was delivered, concurred to the effect that there was an estate tail to which Respondent was entitled. Prays that the Appeal may be dismissed with costs. *Signed* Ursula Taylor. *Countersigned* Richard Buckby. *Endorsed* as brought in this day.

(*b*) 3 April. Petition of Col. Henry Cornewall, the Appellant, praying that the Hearing, appointed for 7 April, may be put off till the end of the month, one of his Counsel, Sir William Whitelocke, being in the country indisposed at present, and the other, Mr. Simon Harcourt, being gone on circuit. L. J., XVI. 643.

1591. March 4. Countess of Anglesey's Separation Act.—Amended* Draft of an Act for separating James, Earl of Anglesey, from Katherine, Countess of Anglesey, his wife, for the cruelty of the said Earl. In most humble manner shews and complains unto your Most Excellent Majesty your obedient subject Katherine, Countess of Anglesey, wife of the Right Honourable James, Earl of Anglesey, that she was, *in October one thousand six hundred and ninety-nine* married to the said Earl, and brought him as her portion the sum of [eighteen thousand] *sixteen thousand and five hundred* pounds, besides jewels [of the value of three thousand pounds and more], and cohabited with him till very lately, and behaved herself towards him as an affectionate and dutiful wife; notwithstanding which, the said Earl, the greatest part of the time since her said marriage, without any just provocation, used her most cruelly by beating [threatening, confining and refusing her necessaries, and did otherwise unnaturally and brutishly abuse] her, insomuch that she was continually in fear and danger of her life, and durst not continue to remain longer with him, but for the safety of her life [and the quiet of her conscience] was necessitated to depart, and did depart, and has for near the space of a month lived concealed from the said Earl who, as she verily believes in her conscience, is become so implacable towards her that, if she should be again in his power, she shall by his cruelty be deprived of her life. Therefore, for your said subject's relief, may it please your Majesty that it may be enacted and be it enacted, &c., that for the cruelty of the said James, Earl of Anglesey, to the said Katherine, Countess of Anglesey, his wife, and for that there can be no sufficient security for the safety of the said Katherine from the farther cruelty of the said Earl, but by a separation from him, they, the said Earl and Countess, shall from henceforth be separated, and they shall not from henceforth be obliged to bed, table or cohabit together, but it shall be lawful for each of them to live separate and apart from the other during their joint lives, notwithstanding their said marriage and that the said

* Additions in italics, omissions in square brackets.

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Countess may lawfully live where she shall think fit, separate and apart from the said Earl, and that it shall be lawful for all persons to receive and entertain her without the let, hindrance or disturbance of the said Earl, and that it shall not be lawful for the said Earl, or any by his order, to seize the person of the said Countess or any way to confine or disturb her. (Here follow two clauses marked A and B. *See* Annex (*d*) and Annex (*e*)). [And for a provision for the maintenance of the said Katherine, Countess of Anglesey, during the life of the said Earl, be it further enacted that ——, being part of the estate of the said Earl, shall be and are hereby vested in the actual possession of ——; and they the said ——, their executors, administrators and assigns, shall be possessed of, and have, hold and enjoy, the same from henceforth for the term of 99 years, if the said James, Earl of Anglesey, and the said Countess, his wife, shall jointly so long live; In trust that they the said —— and the survivor of them, and the executors, administrators and assigns of such survivor, shall pay, employ and dispose of the rents, issues and profits thereof to the proper hands of the said Countess, or as she by any writing or writings under her hand, to be attested by two or more credible witnesses, not subject to the power or control of the said Earl, shall from time to time limit, direct and appoint. And be it further enacted that the jewels [and ornaments] which were the said Countess of Anglesey's before her marriage with the said Earl, and which the said Earl has detained from her, shall be delivered forthwith by the said Earl to the said ——, and they the said ——, their executors and administrators, shall be possessed of the same, in trust to permit the same to be used by the said Countess, or otherwise to dispose of the same, as she shall by any writing, not subject to the control of the said Earl, direct and appoint.] (Annexes (*d*) and (*e*) are marked to be substituted for the above). And *be it enacted by the authority aforesaid* that the said Earl shall also [deliver] *restore* to the said Countess all her wearing apparel. (The clauses, marked C, D, and E (Annex (*f*) and Annex (*g*)), are to be added.) [And be it further enacted and declared that neither of them, the said Earl or Countess, may, during the joint lives of them both, marry again.]

[Presented this day. L. J., XVI. 613. On 25 Feb. the Countess presented a Petition for leave to bring in the Bill (Annex (*a*)). *Proposed* to name some Lords that may endeavour to reconcile the Earl of Anglesey and his Lady. *Moved* to adjourn the consideration of this Petition to Thursday morning next. *Agreed to.* MS. Min. L. J., XVI. 607. On 27 Feb. the Petition was read. *Moved* to give the protection of this House to the Lady, and that some Lords be desired to enter into a negotiation, in order to try how far this may be accommodated. *E. Anglesey* says, if his wife will come home, he will receive her and take care of her. *Moved* the Petition to lie on the Table. Standing Order, 7 Dec. 1699, read. *See* L. J., XVI. 482. After debate, the *Question* was put, Whether the Petition shall be rejected? The *Previous Question* was put, Whether this Question shall be now put? After further debate, *Ordered* that this debate shall be resumed on Monday next at 11 o'clock. *Moved* that E. Anglesey will name some Lords to go to his Lady, in order to an accommodation, to acquaint the Lady with what the Earl has said, that he will take [her], if she return, and take care of her. *Proposed* that E. Anglesey name some Lords to go to the Lady Anglesey to endeavour to persuade her to return to her husband, and in order thereunto to let her know that my Lord has declared he is ready to receive her, and, upon her submission and good behaviour, will treat her with

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kindness, and in all cases she shall be safe from any violence, and, if they cannot prevail, then to report to the House her Ladyship's reasons for giving her refusal. E. Anglesey named four Lords* for that purpose. MS. Min. L. J., XVI. 609. On 3 March E. Rochester reported the result of his mission, and read Lady Anglesey's reasons for refusing to return to her husband. L. J., XVI. 611. *E. Anglesey* heard. *Moved* to have the Lady kept apart from Lady Dorchester three or four days. *Moved* to adjourn this debate. *Moved* that, if E. Anglesey will not waive his Privilege, leave be given to bring in a Bill for a separation, as desired in the Petition of Lady Anglesey. After debate, *Proposed* that E. Anglesey will give his word he will use no violence towards getting his Lady. *E. Anglesey* says, I will never give up any Privilege. I am not satisfied in the hands she is in. *Moved* to read Lady Anglesey's Petition. The Petition was read. The *Question* was put, Whether the Petition shall be rejected? *Resolved* in the negative. Leave to bring in the Bill was then given, *On Question*, with leave to dissent. MS. Min. L. J., XVI. 611.

On 4 March this Bill was offered. Lady Dorchester, desiring to be heard, was called in. *Desires* she may have her Bill read. She had a chair set her at the Table. *Ordered* that the First Reading be on 6 March, and Lady Anglesey to have th$_e$ protection of the House. MS. Min. L. J., XVI. 613. Bill read l$_a$ on 6 March. The Second Reading was appointed for 13 March, and Counsel, (Civil and Common Lawyers), and witnesses to be heard to make out allegations. Later on the same day *E. Anglesey* moved the House that the Countess may be put in other hands than she is in, and may be sequestered. *Moved* that the Deputy Judge of the Prerogative Court attend to-morrow. *Ordered* that the Judge, Dr. Oxenden, and Dr. Newton attend, and Counsel for Lady and Lord Anglesey, if they think fit. MS. Min. L. J., XVI. 614. On 7 March, the Order being read for Dr. Oxenden and Dr. Newton to attend; *Asked*, What are the methods of proceedings? *A.* (1) She desires a citation. (2) She brings her libel; sets forth the matter. (3) The man answers. He has witnesses. There is no such motion of sequestration. I cannot imagine what she be sequestered for. I never heard such a motion in my time. Some cases she is sequestered till answer. *Q.* If it should be desired, have you power? *A.* I cannot tell. The Judge must consider of the methods used. The Judge will be careful. If she prays [for] money, sometimes it is allowed on account, sometimes as the circumstances of the man is. *Dr. Newton* heard as to sequestration: If a case of this were before me, I should proceed. And to marriage claimed, we sequester the woman till answer. Sequestration for cruelty; we do not grant a sequestration upon the man's desire. If the woman desire it, we grant it. If the cruelties are such that the woman cannot return to her husband without danger of her life, we grant no sequestration. At the desire of the husband we do not grant a sequestration. *Dr. Oldish* heard for E. Anglesey, at his request: The question is whether, upon supposition of a lady's being perverted, a sequestration may not be desired. Upon pretence of marriage they do grant sequestrations. *Mr. King* heard for E. Anglesey also: I apply to the Bishops and Judges that a matrimonial contract is to be supported. Leave given to Lady Dorchester to be present, and a chair set for her at the Table. *The Civilians* were heard on: This lady should be in a place where she may be safe, and sequestered into such hands as will not put false insinuations into her. *Mr. Waller* heard for Lady

* Earl of Rochester, Lord Ferrers, Lord Haversham and Lord Somers.

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Anglesey : I think I need say little in this case, the Judges having declared and the other side not [having] cited instances to the contrary. If the Judge goes and sees where she is, there is no need of a sequestration in the case where matrimony is disputed. *E. Anglesey* heard. *Lady Dorchester* desiring to be heard, Counsel withdrew. *E. Anglesey* heard. *Agreed* to call in Counsel again and hear them, and that the Lady Dorchester be heard when Counsel is heard. *Ordered* that L. Keeper stop any business until Lords take their places. Counsel [called] in again, and Lady Dorchester. *Dr. Oldish* heard again. The Counsel withdrew. *The Lady Dorchester* heard, and withdrew. *E. Anglesey* moves the Lady may be put into a place of honour, or a person's of honour. *Moved* that the Lady be taken out of Mr[s]. Grues' [Gres] hands, or that Mr[s]. Grues be dismissed. *Proposed* that the four Lords say something as to the condition of the place she was in. *They say* they know [no]thing [of] where she is, but where they saw her was in an honourable house and company. *E. Anglesey* moves that, since Mrs. Grues governs her, an Order may be given that that woman may not be in her company while the Bill is depending. *Moved* Lady Dorchester be called in and told the House thinks fit Mr[s]. Grues be dismissed from her attendance on Lady Anglesey. *Agreed.* *Lady Dorchester* called in and was told by L. Keeper that she may say anything she thinks fit why Mrs. Grues may not be dismissed. *A.* I think it hard she should be taken away. She knows her constitution, and Mr[s]. Grues will know where my daughter is. My daughter is sick, and the woman is now with her. Everybody will not be with my daughter. She withdrew. House acquainted that Lady Dorchester desires a copy of the report of the four Lords that went to the Lady Anglesey. *Agreed.* E. Anglesey or Lady Dorchester may have a copy as desired. MS. Min. No entry in L. J.

On 13 March the Order read for hearing Counsel upon the Bill. *Agreed*, and *Ordered* to hear the Counsel against the Bill first. *Moved* that the Countess Dorchester be admitted when Counsel heard, and a chair was set for her at the end of the Table. Counsel and Civilians called in. They were told, those against the Bill speak first. *Mr Ayliffe*, against the Bill, heard : This Bill is upon a suggestion of cruelties, and these put her in fear of her life. It is not every dispute between a man and his wife amounts to a cruelty. There must be a repetition of cruelty to make it up. These are but conjectures, or penny post letters. We shall bring plain evidence. This is an absolute separation without condition. (Counsel withdrew. House adjourned during pleasure, the King being come. House resumed.) *Mr. Ayliffe :* I admit there was a door locked ; it was no act of cruelty. As to pinching, there was none. As to the neglect in her lying in, I can prove the contrary ; but all tenderness was proved and expressed. *Dr. Oldish* heard for Lady [Lord] : If my Lord offers to take her again and gives security for her good usage, the cause of separation is over. A reconciliation ends it. In this case they have been together at bed and board and so all is reconciled. These are sufficient to hinder reading the Bill. *Dr. King :* I hope to see a reconciliation in this business and that there may be an heir male in the family. I hope this Bill will not pass, that is to dissolve a union between man and wife, which is contrary to God's law. By this Bill the lady may go where she pleases. There is no provision for her living chastely in the Bill. This is an extraordinary act, to take this lady out of my Lord's arms. *Counsel for Lady* object against the going on to falsify evidence before evidence given. Counsel withdrew. *Moved* that the Earl's Counsel go on. *Agreed* Counsel against the Bill to go on. Counsel called in and told so. *Counsel for*

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L. Anglesey say all they shall prove is nothing. Counsel withdrew. *Moved* that the Lady's Counsel speak first, according to the usual manner of proceedings in all cases. *E. Anglesey* acquiesces to what House pleases. *Agreed* to send for L. C. Justice and affidavits. [Counsel called in and told that the Counsel for the Bill should proceed to make good the allegations of the Bill].* The form of an oath read and agreed to as follows: You shall true answer make, &c. *See* L. J., XVI. 621. [*Moved* that the evidence be taken in writing.]* Counsel called in again and told that, if E. Anglesey's Counsel have anything to say, they may proceed against the Bill, but not to fact; and that, if they come to fact, the Lady's Counsel may proceed. *Mr. Phipps*, Counsel for Lady Anglesey, proceeds: We had not brought a Bill, if we had been at liberty to proceed in other Courts. If cruelty be a fit object for this Bill, then we shall prove sufficient cruelty. This lady has many marks of cruelty. We shall show cruelty to the purpose. We shall show from August all along acts of cruelty until the time of her delivery; and after, to the time she went away, we can prove. Counsel withdrew. *Moved* not to let the Counsel go further back than when the legal reconciliation has been proved by bed and board. Counsel called in again, and told the Counsel for the Bill proceed. *Mr. Phipps*, *Dr. Waller* and *Mr. Beresford* heard. They call witnesses. *Elizabeth Cannon* (sworn). *E. Anglesey's Counsel* object against her being evidence. *Counsel* and *Civilians* heard as to this matter. Counsel withdrew. *Moved* to hear Dr. Newton to this matter, after a reconciliation no acts of cruelty can be allowed. *Dr. Newton* heard: This is now a new case. I take it to be in law and practice the habit of cruelty is the fact. Precedent cruelties may be set forth and proved. As to a reconciliation, in adultery lying with a wife is an absolute reconciliation. This is another matter. If the party does voluntarily and freely lie and board with her husband after the cruelty, it is a reconciliation. *Agreed* to call in Counsel, which is done. They call witnesses. *Elizabeth Cannon* (sworn): I lived with my Lord before he was married. I have heard my Lady cry out. My Lady was in her bedchamber. My Lord was with her. It was when my Lord and Lady was abed with her. My Lady told me my Lord did pinch her. I saw my Lady's breast. It seemed to be bruised. There was something under her breast, black. My Lady has been afraid of my Lord's anger. I know my Lady was locked up in her chamber at Farnboro'. She was locked up most part of the day. My Lord locked her up. He had the key. My Lady was locked up, and she cried out. I went to her. She said, Let me out, I am miscarrying. My Lord had the key. She certainly said she was miscarrying. The time I know not. It was towards the end of the summer. It was a great while before my Lady was brought a bed; it might be a month or two. I never saw my Lord strike my Lady. I have heard your Lordship speak sharply to your Lady. I have been in the chamber over your Lordship's and heard my Lady cry out. My Lady was a very innocent and good lady, and very modest. My Lady's arms [were] very black. They looked as if the skin would break. My Lady has been under great apprehensions of my Lord's coming home in an ill humour when she went to bed. I have heard her cry out in her chamber in the day time. A great while ago Mr[s]. Grimes [Grues] called me out [of] my bed to hear my Lady, how she cried. I did hear her cry. It was a great while ago. Counsel withdrew. *Proposed* that the evidence be out in writing. *Agreed to.* Counsel called in and told Mrs. Cannon's

* Expunged entry.

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evidence must be transcribed* *Thomas Jones* (sworn): In August my Lord and Lady were out in the coach. My Lord took her upstairs. He tripped her up. She came down three stairs and he took her up, and, at the top of the stairs, I heard her fall again. Then in the chamber my Lady cried out, Murder! and called for several. My Lord brought her into another room without her headcloths. There I heard her cry out again. My Lady cried out, My Lord! My Lord! She cried at the same time. All the house said my Lady was a good lady. I never saw anything by my Lady but submission. Mrs. [Wingate] supped with my Lord that night. I waited at the table that night. I did hear her [Lady Anglesey] cry out. I lived with your Lordship three months. Some waited on your Lordship one day, some another. I was just behind my Lady when he tripped her up. I was going to the place we waited at. Mr[s]. Wingate was by, and can witness she saw. Never anybody spoke to me, but a paper was sent to me to attend here. On Monday Tom Porter came to me and said Mr. Cotton heard I had given evidence against my Lord. Be sure, said he, do not give evidence against my Lord. My Lady's woman came down and heard it with me and durst not go up to her, but went to her chamber again. *Elizabeth Berkeley* (sworn): I was my Lady's woman. It was believed by the family my Lord did beat my Lady. I heard my Lady cry out, My child! My child! and my Lady told me my Lord kicked her belly. My Lady was locked up. She stayed there till night. My Lord went out ahunting or hawking. My Lord locked her up again another time. She sent for me and told me she was in the dark and miscarrying. I have seen her arms black. She told me my Lord did it. The Sunday night before my Lady was brought abed, my Lord asked me if the bell rang. I said I knew not. My Lord turned to my Lady and told her she should sit up, and called for wood. She sat up till near morning. Most of the wood was burnt when I came in. It was almost morning. I have seen her arm bruised, and, when almost well, bruised again. She told me my Lord did it. My Lady bid me never let any Bible or Common Prayer Book be in the room for fear my Lord should swear her on them not to confess she was beat. She was shut up and my Lady Dorchester was not suffered to come to take her leave of her. Mrs. Wingate told me my Lord, she feared, had murdered my Lady, and she could not tell how to carry her off. My Lord told me I might go. I should be paid as I behaved myself. After my Lady was delivered, she was put into bed. My Lord bid them go to the child, for my Lady would do well enough. There was no candle at one time. After there was. The reason I know not. Jones told me my Lord had beat my Lady. I heard my Lady cry out when I was above, before I came down, when she was in the damask room. She told me what I said. I heard my Lady cry out in her own chamber. Several times when my Lady was put to bed, she was in fear and trembling of the usage of my Lord. I have heard her cry out several times, and my Lady has told me in the morning my Lord beat her. The chintz room was my Lord and Lady's. I know there have been several disputes between my Lord and Lady. If I had taken notice, I could have said more. My Lady was never undutiful, but was the most submissive lady in the world. Dr. Colbatch and Dr. King were with my Lady and my Lord seemed to express a great deal of care. My Lord would have had her come

* The notes of the evidence, as it was taken down by the Clerk, are given verbatim. *See* also the depositions Annexes (b^1) to (b^{23}).

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down on Wednesday. She said the Doctor said she must not come down till Saturday. His Lordship said she should stay by herself, and sent us out [of] the room. My Lady had a pinch under the breast. Dr. King gave ointment for it. It looked as if the nails met. My Lady told me my Lord did it. *Mary De Caron* (sworn): I have heard my Lady cry out very often, both in London and Farnborough. She must be hurt. She was with L. Anglesey when [she] cried out. I heard her in the night and daytime. My Lord said my Lady must go from one garden to another. I heard her cry out dismally. Mrs. Wingate and I went into the wilderness and we heard her cry out. My Lady cried out. My Lady['s] ear was black. I asked how it came. She would not tell me anything. My Lady was locked up from morning to night, had no dinner nor breakfast. No woman was ever more dutiful than she was. I can say nothing more. I never saw my Lord strike her, nor do anything more than I have told. *Mary Vaughan* (sworn). Examined. *See* her deposition, Annex (b^5). *Mary Chapman* (sworn): I was housemaid. I heard a great screech and I heard something flop on the ground. I stayed and heard my Lady cry out. My Lord and Lady were in bed. This was by 6 or 7 o'clock in the morning. I heard a flop on the ground after the screech and my Lady cried out, My Lord, do not murder me. I was in the dining room. *John Sheppard* (sworn). Examined. *See* his deposition, Annex (b^7). *Eliza. Cotton* (sworn): In the later end of November or beginning [of] December my Lady asked me what I should do to bear the humour of my Lord? I advised her to bear it. She said she could not and showed me her arms. I cried. I said I was sorry and advised her to go away. She said, I dare not; he will kill me. I asked my Lady if my Lord was not sorry for what he had done. My Lady said my Lord told her his fingers were sore. He had used her hardly, but she was a bitch, but he did not know she was; but when he did, he would cut her throat. My Lady said my Lord told her nature would work itself. I need not take so much care. The midwife told me they had put on a sheet. She had the wet linen on under the sheet. My Lord told me there was no need to shift her. I never saw a woman put to bed so. My Lady said, Mrs. Cotton, I have promised my Lord not to bring in a candle, for my arms are black. We did shift her without a candle, her body with a waistcoat; and then we shifted her other part by the candle. Her half shift and waistcoat was put on in the dark. The 9th Jan. was my Lady's reckoning. When I came to Farnborough, by the littleness of the child, I told my Lord I thought my Lady might have gone a fortnight longer. My Lord sent for me, after I had told my Lady I could not go conveniently. My Lord's tipstaff came to fetch me to my Lord Chief Justice. I never saw you use my Lady ill. I was with my Lord Chief Justice over night. I was ready over night to have given the same testimony as I did next day. *Sarah Mann* (sworn): The 7th Jan., I was ordered to wait on the lady. When I came down, I found her in her wet linen. I asked why my Lady was not better taken care of. Mrs. Booth told me, my Lord said my Lady wanted nothing, but bid take care of the child, and, if she went to my Lady, she would turn her away. I called for a candle to shift my Lady. Mr[s]. Cotton told me my Lady had told her that there must be no candle, for, if she showed her arms, my Lord would kill her. She had her waistcoat put on and then we had a candle. The Sunday following I was dressing my Lady's head. My Lord asked me what I was doing. I told him. He said it was sluttish and he would not have his Lady such a slut. I combed and dressed her head. My

Lord asked what we were doing. I said, Warming linen for my Lady. He said, Give them to her and let her put them on herself. My Lord said, Mrs. Mann, I believe you never heard a man meddle with woman's business. I said, I never did. I will make my wife humble. She is a king's daughter,* but I will make her as humble as a kitchen wench. I came in again [and] found my Lady crying and asked what for. She said she feared my Lord would turn me away. I took up my Lady [and] laid her on a pallet. My Lord came in and twirled her legs off the pallet. Wednesday following my Lord came in and took my Lady and led her out into another room. I asked if there was a fire. I took my Lord by the coat and told him it was never done and it would kill my Lady and he went on. The next thing was when Lady Dorchester was there. A dispute arose about playing [the harpsichord] by book. He told my Lady she was a liar; and my Lord, going out [of] the room, turned back and said, Lady Dorchester, there is your daughter, take her, she is a liar and I hate her. Next day I found my Lady out [of] her room and I was told my Lord had sent his gentleman for her. My Lord after took her out several times. He locked her up. I see him do it. Two nights. The Monday next. The Countess Dorchester went away Tuesday morning. My Lady told me my Lord had beaten her an hour together and had bruised her breast and she feared she would never recover it. *Counsel:* If [there is] any mistrust of the evidence, you may have the oath of my Lord to these and other cruelties, which witnesses cannot be evidence in. They desire L. C. Justice [may be] heard. *L. C. Justice:* My Lady came to me in a little room between King's Bench and Chancery. My Lady said she was pinched in her body and arm. My Lady showed me her arm. I never saw the like before. They seemed to be pinches. My Lady told me my Lord gave them her. Counsel withdrew. *E. Anglesey* desired care to be taken for the shorthand writer. MS. Min. L. J., XVI. 621. The further examination of witnesses was adjourned to March 15, 17, 18, 19 successively. MS. Min. March 13, 15, 18. L. J., XVI. 621. On 19 March *Proposed* that the Countess of Anglesey's evidence be read to the witnesses in a room where they may sign it; and, if any difficulty arise, that that matter of fact may be stated before the House. *Ordered* E. Anglesey's stand for Friday. MS. Min. No entry in L. J.

On 21 March Counsel and witnesses were called in. Lady Dorchester had a chair at the Table and came in. *Sir Edmund King* (sworn): About June I was to wait on Lady Anglesey. She told me the unkindness of her Lord would break her heart and that she had not seen her mother; and she said she had done but one thing ill in her life and God had now punished her. I waited on my Lady since she came to town, and she cried out, My Lord will kill me. He has beat me about my head and I shall have a cancer in my breast. She prayed me not to name her breast. Her woman desired me to put her name to it, for fear my Lord should know it. She looked frighted. When I asked to see her breast, and she began to show me her breast, and when my Lord came in she took away her hand and I asked no more after it. My Lady was always very meek and humble in all things. The first time my Lady made complaints was about June or July. Before the middle of July I went to Tunbridge. The *Lady's*

*Lady Anglesey was the daughter of James II. and Catherine Sedley, created Countess of Dorchester. After the passing of this Act, Lady Anglesey married (as his third wife) John Sheffield, Duke of Buckingham.

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Counsel moved that the Lady Anglesey may be heard as a witness for herself, in order to prove matters done in the dark. *Counsel for E. Anglesey:* They cannot be ready with their witnesses this day and therefore desire another. *Counsel for Countess of Anglesey* oppose it, desiring their evidence may not be disclosed before their witnesses be examined, or at least the same day. Counsel withdrew. *Moved* to go on with the business as ordered. Counsel called in and ordered to proceed as ordered. The depositions of Cannon, Jones and Berkeley were read to them. *Counsel for E. Anglesey* object against the witness altering her evidence upon reading it to her. Counsel withdrew. *Proposed* for witnesses to proceed to have evidence corrected when read. Counsel called in again and told that they might go on, and that she might correct her evidence as desired, and they proceeded. The depositions of De Caron, Vaughan, Chapman, Sheppard, Cotton and Man were then read and signed. *E. Anglesey's Counsel* move to have copies of the depositions, and another day for hearing E. Anglesey's witnesses. *Counsel for Lady Anglesey* proposes to lose the benefit of Dr. King's evidence [in order] to go on. Counsel withdrew. *E. Anglesey* moved to have copies of depositions and time to answer, by examining his witnesses in answer to the Countess. MS. Min. *Ordered* as in L. J., XVI. 630. On 24 March Sir Edmund King, who was ordered to attend on Saturday last to have his deposition read to him, was called in and, in the presence of Mr. Sloane, Counsel for E. Anglesey, [it] was read to him. MS. Min. No entry in L. J.

On 25 March *Lady Anglesey's Counsel* move to alter a mistake in the evidence of Mrs. E. Berkeley. *Mrs. Berkeley* was called. Says it was "shifted" she said. Had leave to amend it. *E. Anglesey's Counsel* heard. *Mr. Ayliffe* heard for E. Anglesey and *Mr. Sloane* also. *Dr. King* was also heard. Then they went on to examine witnesses. *John Colbatch* (sworn): My Lord told me my Lady was ill. I went to her. She complained of her thigh. I saw it. It looked like a rash. My Lord with all kindness imaginable spoke to her. She complained of nothing but the swelling in her thigh and leg. *Wm. Cockburn* (sworn): I heard in the family my Lord used my Lady hardly. They go on to cross-examine him for E. Anglesey, and as to fame in this case. Counsel withdrew. *Proposed* that Counsel proceed and consider the fame afterwards. Counsel called in again and *L. Keeper* told them they may ask the doctor to common fame, not to hearsay. They proceed with *Dr. Cockburn*: I have heard Mr[s]. Berkeley say my Lord has used my Lady very ill. *Jane Greener* (sworn): My Lady was not shifted in the dark. There was a candle. Mr[s]. Berkeley went out of the room. Mr[s]. Cotton said she was as well brought abed as anyone could do. I never saw but my Lord was kind to my Lady. The child is well and thrives. My Lady lay three or four hours before she was shifted. There was a great deal of linen on my Lady before I came in. The candle was carried after I came in. *Phillips Wingate* (sworn): I was in the house ten months. She was not locked up an hour. I have heard Lady Anglesey cry out several times. My Lady Anglesey was put to bed before, an hour or more. I saw pinches on her arm. She said my Lord did it and the spot on her breast also. My Lady was locked up with the kitchen maid when my Lord went to bed. *Anne Wikey* (sworn): I never saw any ill usage of my Lord to my Lady. *Ruth Booth, Joyce Rivall,* and *Rebecca Cooper* (sworn) and heard. *Patrick Gray* (sworn): I never heard my Lord give my Lady a cross word. *Thomas Cotton, Giles Wardon, John James Heidegger* and *Thomas Porter* (sworn) and heard. *Mr. Sloane* offers two writings, a will and a deed of settlement. Counsel withdrew.

Ordered that the shorthand depositions be transcribed by Saturday, &c., as in L. J., XVI. 634. MS. Min. 1700-1701. No. 1591.

On 29 March 1701 the depositions of Cotton, Booth, Rivall, Cooper, Cockburn, Wikey, Porter, Wingate, Greener and Colbatch were read and signed by them. *John James Heidegger's* deposition read, and he proposes to explain himself. This is opposed by *Lady's Counsel.* He had liberty to correct it and the Counsel were told they might take notice of it after, if they thought fit. Patrick Gray's deposition read and signed and an addition made to it. *Earl's Counsel* desire to hear a witness summoned last day, and [who] is now [here]. *Samuel Hewett* (sworn) and heard. *Mr. Sloane* proposes some affidavits to be read. Waived. *E. Anglesey's Counsel* proposes that the witness last heard may be put into writing, and that a day may be appointed for hearing them. *Countess' Counsel* proposes to go on now with the case. *Earl's Counsel* desire copies of the depositions read this day. Counsel withdrew. *Ordered* that copies be given to both sides; that Counsel sum up on Tuesday, all Lords summoned, and that Hewett and Heidegger attend on Monday (31st) as in L. J., XVI. 637. MS. Min. Accordingly, on 31 March, John James Heidegger, E. Anglesey's witness, was called in, and his deposition read to him in the presence of Counsel on either side and he signed it. *Ordered* that, if Hewett do not attend before the House rises, that then . . . . MS. Min. L. J., XVI. 638.

On 1 April *Earl's Counsel* move that they may sum up their evidence first. *Ordered* to proceed as they gave evidence. *Dr. Waller* opens the nature of the Bill and evidence. The Bill is only a separation. He sums up the evidence. Sir Edmund King, Mrs. Cannon, a domestic of my Lord's, Mrs. Berkeley, Mrs. Caron is the next. He goes through the other depositions. Then he cites Mrs. Wingate, my Lord's witness. *Dr. Cooke* heard. He cites the allegations in the Bill. *Mr. Phipps* heard also. *Mr. Beresford* heard also for Countess. Notice being taken at some words Mr. Beresford said of the E. Anglesey in his summing up the evidence, Counsel were ordered to withdraw. *Moved* that the Counsel be kept to the merits of the Cause, without any reflection. *Ordered* that L. Keeper do reprimand Mr. Beresford. Counsel called in again and *L. Keeper* reprimanded him and told him he must take care for the future how he behaved himself. *Mr. Beresford* went on with his evidence. *Dr. Oldish,* for E. Anglesey: Our witnesses falsify the testimony of my Lady's witnesses in almost every particular. *Dr. King,* for the same, speaks to the depositions taken before L. C. Justice. and so went on with his evidence and the acts of kindness of my Lord to his Lady. *Counsel* proposes to go on with evidence against the affidavits taken before the L. C. Justice and to read others against them. Counsel withdrew. *Proposed* that the affidavits be not allowed to be produced, the other not having been used on this Bill. After debate, *E. Anglesey* says he will not bring new matter on the stage now. The affidavit is only to answer what they have alleged against him. *Moved* that the Lord concerned name an affidavit that is such a one as the House will hear a witness on. *Moved* that E. Anglesey's affidavit be read, as he proposes. *Proposed* that Counsel go on and mention what is in the affidavit, if they think fit. *Proposed* that E. Anglesey read what he pleases as his evidence. The *Question* was put, Whether the House shall now adjourn? *Resolved* in the negative. Then the *Question* was put, Whether the affidavits of any persons who have *not* been examined here *in this matter as witnesses* vivâ voce shall be read [to confront the testimony of the

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same person taken here] *or not?** *Resolved* in the negative. Counsel called in and told that they are not to make use of any affidavits to confront any [of] the testimony of any persons that have been examined. Then *Dr. King* goes on with his evidence. *Mr. Sloane* proposes to make use of Lady Dorchester's evidence, which was not allowed. *Dr. King* goes on and sums up the evidence: My Lord, according to this Act, can have no heirs male. Here is no provision for her living chastely. This Bill ought not to be passed by any spiritual judge till all means have been used for a reconciliation. *Mr. Sloane*, for E. Anglesey: This is a case of great consequence to all, not only to this Earl, but all others. All issue is set aside. At this rate, this ought to be a public Bill. We lay all at the Lady Dorchester's door. She will be a little revenge[d]. There is nothing to support this Bill, [so] that I hope you will throw it out. *Mr. Ayliffe* was heard to sum up the Earl's evidence. Civilians and Counsel withdrew. The Order of 6 March read, (for the Second Reading), and Bill read 2ª. *Moved* to commit the Bill. A debate arose, Whether this Bill shall be committed now? *E. Anglesey* desired that the debate be adjourned till to-morrow. Then the Bill was committed to C. W. H. for Saturday and Order made as to the settlements, as in L. J., XVI. 640–41. MS. Min. The Committee was twice put off. L. J., XVI. 643, 645.

On 11 April in C. W. H., V. Longueville in the Chair, the Bill was read through. The title read and postponed. The preamble read. In the preamble is mentioned 1,800*l.* [18,000*l.*] portion and the value of the jewels. (Note in margin: L. Dorchester had a chair.) *Agreed* to hear Counsel as to the 18,000*l.* and jewels. Counsel called in and told. *E. Anglesey's Counsel* say, 16,500*l.* they have had. *Countess of Anglesey's Counsel* say, principal and interest comes to 16,500*l.* and no more. *Lady Dorchester* heard: We are willing to accept of any of the securities again and give money for them to make up the 18,000*l.* Lady Dorchester offers a letter from E. Anglesey to Countess of Anglesey and a letter from the Countess in answer to it was read. *Proposed* to hear L. Keeper as to any proceedings in Chancery. *L. Keeper* says, I think it was agreed to be about 18,000*l.* *Earl's Counsel* allow that the jewels and interest to be 18,000*l.* *E. Anglesey* heard: Offers to take her again and offers several things to be done on his behalf. After this the Committee altered the sum of 18,000*l.* to 16,500*l.*; the value of the jewels was left out. Counsel called to acquaint the House as to the time the Countess of Anglesey was married. *Counsel for Countess* say she was married last October twelve months. Counsel withdrew. Blank in preamble filled in with the date, October 1699. Then the words, and the quiet of her conscience, were left out. The words, threatening, confining, and refusing her necessaries, and did otherwise unnaturally and brutishly abuse, were also left out. *Proposed* to send for Countess of Anglesey. The House was resumed and *V. Longueville* reported that the Committee had made some progress in the Bill and that it is the opinion of the Commitee that the Lady Anglesey be sent for to attend the House to answer such questions as shall be asked her. House informed Lady Dorchester desires to be called in and heard. She hears that her daughter may appear, but if she is seized, what will become of her? If secured, she shall come this minute. Countess Dorchester withdrew. *Ordered* that the Countess of Anglesey attend

* This *Question* was altered. The italics show the additions, the square brackets the omissions.

this House presently and that the Bishop of Ely is desired to go for her. *E. Anglesey* declared he would not seek after her nor take her up, nor any person for him, and that he will not any ways molest her [during the depending of this Bill, in any reputable place]* upon this occasion of sending for her. *Proposed* what to ask Lady Anglesey when she comes? *E. Anglesey* proposes to ask her questions himself. *Agreed to.* *Proposed* to ask her that question, Whether she thinks herself in danger of her life if she returns to my Lord? *Agreed to.* The House being informed the Countess of Anglesey was come, she was called in and a chair set at the Table for her; and then the *E. Anglesey* said, if she feared any danger, he would give all security to the Lords she should not be hurt, and assures her of all the kindness imaginable and desires her to come home to him and her child. If she will come home, all the civility imaginable shall be used. *Countess* says she has been used barbarously and horridly, and I can never consent to come home again: I have been in danger of my life. I bore [it] as long as I could. All I have said is truth, and I hope your Lordships will redress me. Then the *L. Keeper*, by Order of the House, asked her Ladyship, Whether she thinks herself in danger of her life, if she returns to the E. of Anglesey, her husband? *She answers*, Yes, positively I do. She withdrew. MS. Min. L. J., XVI. 649.

On 14 April in C. W. H., the remaining part of the preamble was read and agreed to; the first enacting clause was also agreed to. The next enacting clause, for the maintenance of the Countess, read. Counsel called in and told they must speak only to the filling up of the blanks in this paragraph. *Mr. Pooley* offers a clause for confirming the Lady Anglesey's jointure. (Annex (*d*)). It was read by the Counsel. *E. Anglesey's Counsel* opposes the clause. Counsel withdrew. *Proposed* that the Lady Anglesey have the same jointure as is settled after his death, in his Lordship's lifetime. *Question*, Whether my Lady shall have the same rentcharge for her separate maintenance as was settled for jointure until the portion shall be repaid? *Proposed* that the Lady have 800*l.* per annum and the 400*l.* per annum pin money. *Proposed* 1,200*l.* per annum rentcharge and her jewels. After debate, the *Question* was put, Whether my Lady shall have 1,200*l.* per annum rentcharge paid her in London, for her separate maintenance [and all her jewels restored to her] *until the portion be repaid?*† *Resolved* in the affirmative. Then this *Question* was put, Whether all the jewels shall be returned to her? *Resolved* in the affirmative. Counsel were called in again and told that the Committee had agreed that the Lady Anglesey shall have 1,200*l.* per annum rentcharge paid her in London for a separate maintenance, (until the portion be repaid), out of the jointure lands and that they prepare a clause accordingly and that care be taken for the return of the jewels to Lady Anglesey. *Lady's Counsel* say there is an arrear of pin money, at least half one year. Counsel withdrew. *Proposed* to consider who shall bear the charge of this suit, whether the Earl or Lady Anglesey? *Agreed* that the arrears of the pin money be paid to the Lady Anglesey and that the jewels be put into the Countess of Dorchester's hands, there to remain as a security to her for the charge she has been at in maintaining Lady Anglesey and the charge of the suit. That the first payment of the rentcharge shall begin at Lady [Day]

* These words are expunged.
† Words in italics substituted for those in square brackets.

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last past, the first half year's payment to be at Michaelmas next. Counsel called in. *Asked* what the charge of the suit has been? *Counsel* cannot tell the charge; it must go through the House of Commons. Lady Dorchester says she has laid out 300*l.* already. *Counsel* say they can prepare the clauses against to-morrow. A clause offered by the E. Anglesey was read, relating to the reconciliation of them, then the Act to be void (*see* Annex (*f*)). House resumed, progress reported, and Committee to sit again on Wednesday, 16th. MS. Min.

On 16 April in C. W. H., V. Longueville in the Chair. Counsel called in and heard as to the clauses ordered to be drawn by them. *Countess' Counsel* offer a clause for settling and securing the jointure. *Earl's Counsel* oppose the clause for settling the 1,200*l.* per annum: Is it reasonable the E. Anglesey's estate should be in such trustees as they name? They deliver the clauses drawn for the Countess of Anglesey. *Agreed* that the Judge present do draw a clause for the Countess of Anglesey to have 1,200*l.* a year, with as little detriment to the E. Anglesey as may be. *Ordered* that Mr. Justice Nevill prepare such a clause against to-morrow morning. House resumed, progress reported and Committee to sit again to-morrow. MS. Min.

On 17 April in C. W. H., L. North in the Chair, Mr. Justice Nevill acquainted the House that after [six] o'clock my Lord's Counsel came. My Lady's came not: I appointed them to come to-day at ten, and this day they met, and we made some progress in the matter, and I have appointed them this afternoon. Question arose whether I should draw one or two clauses, one for the 1,200*l.* per annum or another for the jewels. Judge Tracy added. *Ordered* that the Judges draw [a] clause for the 1,200*l.* per annum and the jewels, as ordered 14th inst. The clause in the Bill read for E. Anglesey returning to the Countess her wearing apparel. *Agreed* to leave out the clause against the Earl and Countess marrying again during their joint lives. *Agreed*, upon the Earl's motion, to leave out the word, Threatening. *Dr. Newton* was heard as to the wearing apparel: The first thing in the Ecclesiastical Court, the woman desires her wearing apparel, and we usually do order it, the woman giving a list of the clothes. *E. Anglesey* says Dr. Newton has refused him a writ of right. House was resumed. *Dr. Newton* was heard as to his allowing or not allowing a writ of conjugal separate rights: Dr. Oldish came to me and asked me to write a letter for conjugal rights. I said there was Privilege in this House, by the Bill being now depending. House put into a Committee again. The clause was read as to the wearing apparel. (*Proposed* to add the words, now remaining in the Earl's possession.)* *Agreed to* without any amendment. The title was again read. *Agreed to.* House resumed and progress reported. *Moved*† that E. Anglesey may have a writ of restitution of conjugal rights against his Lady. House to be again in Committee on Wednesday and Judges to be ready. House adjourned to Wednesday the 23rd: an amendment to adjourn to Saturday was negatived, *On Question.* MS. Min. L. J., XVI. 657.

On 23 April, in C. W. H., *Mr. Justice Nevill* says that they met and the Counsel have considered of clauses, but they came not to his hands till yesterday; that they are now met, and [he] hopes the clauses will be ready in half an hour. *Mr. Justice Tracy* heard to the same

* These words are expunged.
† On the motion of E. Anglesey.

effect. *Ordered* that the Judges now present do draw clauses as ordered. House resumed, and the *L. North* reported that it is the opinion of the Committee that there is a peremptory Order for the Judges not [now] present to draw the clauses, pursuant to the resolutions of the Committee the 14th inst., and present the same to the Committee to-morrow 12 o'clock. MS. Min. L. J., XVI. 658. 1700-1701. — No. 1591.

On 24 April, in C. W. H., Mr. Justice Nevill delivered in the clauses drawn by him and Mr. Baron Tracy. The first clause read for the 1,200*l.* per annum and, a blank being in it for taxes, it was filled up to be paid without deducting taxes (*See* Annex (*d*)). *Agreed to.* The clauses read for jewels and pin money (Annex (*e*)). *Lady Dorchester* heard as to the arrears of the pin money. She says 200*l.* is due. *Agreed* to put in 200*l.* arrears. The next clause read, for the securing Lady Dorchester the jewels for her charges in maintaining Lady Anglesey. *Agreed* to fill the blank with 1st August. The clause read to the valuation of the jewels and securing the return of the jewels [and agreed to]*. *Proposed* to hear one Counsel why this clause should stand. *Lady Anglesey's Counsel* called in and asked what need there is of a further security for the arrears of the pin money? *Mr. Phipps:* It is not secured. The pin money ceases at Lady Day. By a clause added to the Bill, if this be not added, we can never come at the arrears. *Lady Dorchester:* We desire the jewels, and not any money for them. *E. Anglesey* agrees the arrears of the pin money to be 100*l.*, to which the House agreed, and it was so mentioned in the clause. Counsel were called in and told the House desires a schedule of the jewels. House informed that a schedule is making of the jewels. A list of the jewels was delivered and read. *Proposed* to send for Mr. Bever, the jeweller, to know which of the diamonds the E. Anglesey paid for. *Agreed* to add the particular jewels to the clause by name. The clause read as amended. *Agreed.* Then the postponed clauses (*see* above 14 April) were read. *Ordered* that they be left out. Then the said clauses were left out. House resumed. The Report was fixed for Saturday the 26th. MS. Min. L. J., XVI. 659.

On 26 April *L. North* reported the Bill with several provisoes and amendments, which were severally read twice. *Agreed to.* A proviso was offered to be added to the Bill to hinder E. Anglesey from insisting on any Privilege against this Bill. (Annex (*g*)). It was read twice. *Agreed to. Ordered* that the Bill be engrossed with the amendments and provisoes. MS. Min. L. J., XVI. 661. On 29 April the Bill was read 3ª and passed, *On Question*, and sent to the Commons. It was agreed to and returned without amendment on 24 May. Royal Assent 12 June. L. J., XVI. 664, 705, 739. 13 Will. III. c. 25 in Long Cal. *See* No. 1564.]

Annexed:—

(*a*) 25 Feb. Petition of Katherine, Countess of Anglesey. Petitioner having not had the wished success in moving the House that her husband, James, Earl of Anglesey, might waive his Privilege, the remedies that are had in law against a husband for cruelty in favour of the meanest person being debarred her, and like ever to be so, therefore it is humbly desired of their Lordships to consider which way they will relieve her, it being evident to their Lordships and all that hear her lamentable case that it has long been her Lord's intention to destroy her, but after such a manner as might make it pass, as

* These words are expunged.

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he hoped, for a natural death. She has little reason to believe his present intentions are more christian, since he has not only misrepresented her in the account he gave their Lordships of her temper, but also declared that, were she again in his power, she should unsay all she had sworn. It is not hard to guess by what means she would be brought to it. She prefers death rather than the falling into those hands that have already so beaten and bruised her. She is now a most deplorable spectacle, the case being new to have a wife so barbarously used that never failed in humility or modesty. Hopes their Lordships will relieve her, though by a new method. She is in a very ill condition of health in the concealment she is forced to live; she cannot have such people come to her proper for her recovery, and without speedy redress infallibly she must perish one way or other. Prays their Lordships will move her Lord to waive his Privilege, which, if he refuses, then she hopes their Lordships will permit her to bring in a Bill for a separation for cruelty, the common course of law being barred her. *Signed* Katherine Anglesey. *Endorsed* Read this day. [Read 3 March, and, *on Question*, carried; Petition not to be rejected; leave was given to bring in a Bill for a separation, as is prayed in the Petition. L. J., XVI. 607–611. *See* Notes above, Feb. 25 to March 3.]

(b) $\frac{13}{25}$ March. Depositions (23) of Witnesses examined at the Bar between these dates.

(b^1) 13 March. Mrs. Elizabeth Cannon, in the employment of L. Anglesey both before his marriage and subsequently. Gives evidence of acts of cruelty towards his wife committed by L. Anglesey. *Signed* Eliz. Cannon. *Endorsed* (1) read to her and signed 21 March.

(b^2) 13 March. Thomas Jones, footman in the employment of L. Anglesey. Gives evidence with regard to various acts of cruelty towards his wife committed by L. Anglesey. *Signed* Thomas Jones—his mark. *Endorsed* (2) read to him and signed 21 March.

(b^3) 13 March. Mrs. Elizabeth Berkeley, woman to Lady Anglesey. Gives evidence of acts of cruelty committed by L. Anglesey. *Signed* Eliz. Berkeley. *Endorsed* (3) read to her and signed 21 March.

(b^4) 13 March. Mrs. De Caron. Gives evidence of acts of cruelty committed by L. Anglesey both in London and at Farnborough. *Signed* Marie De Caron. *Endorsed* (4) read to her and signed 21 March.

(b^5) 13 March. Mrs. Mary Vaughan, for a short time housekeeper to Lady Anglesey. Saw various bruises on Lady Anglesey's body. L. Anglesey was very kind to his child and never unkind to his wife in the presence of witness. *Signed* Mary Vaughan. *Endorsed* (5) read to her and signed 21 March.

(b^6) 13 March. Mary Chapman, housemaid to Lady Anglesey for about a year and half. Heard Lady Anglesey cry out to L. Anglesey not to murder her. *Signed* Mary Chapman. *Endorsed* (6) read to her and signed 21 March.

(b^7) 13 March. John Sheppard, footman to Lady Anglesey. Gives evidence that L. Anglesey used to confine Lady Anglesey. *Signed* John Sheppard. *Endorsed* (7) read to him and signed 21 March.

(b^8) 13 March. Elizabeth Cotton, midwife. Gives evidence of the bruises on Lady Anglesey's body and of the careless way in which her confinement was managed. Was not present at the birth of the child. Never saw L. Anglesey treat his wife unkindly. *Signed* Eli. Cotton. *Endorsed* (8) read to her and signed 21 March.

(b^9) 13 March. Mrs. Sarah Man, midwife. Corroborates Mrs. Cotton's evidence and gives further instances of L. Anglesey's cruelty to his wife at the time of her confinement. *Signed* Sarah Man. *Endorsed* (9) read to her and signed 21 March.

(b^{10}) 21 March. Sir Edmund King, physician. Has attended upon Lady Anglesey. Gives evidence of Lady Anglesey's fear of her husband and of his cruelty to her, although he himself has never actually seen the Earl unkind to her. *Signed* Edm. King. *Endorsed* (10) read and signed by him 24 March.

(b^{11}) 25 March. Doctor John Colbatch, L. Anglesey's physician. Was summoned to attend upon Lady Anglesey. Saw no unkindness on the part of L. Anglesey to his wife. *Signed* John Colbatch. *Endorsed* (1) read to him and signed 29 March.

(b^{12}) 25 March. Doctor Cockburn. Has attended professionally on both L. Anglesey and his wife. Has never observed any unkindness between them, although Lady Anglesey complained to him of her husband's conduct towards her. *Signed* W. Cockburn. *Endorsed* (2) read to him and signed 29 March.

(b^{13}) 25 March. Mrs. Jane Greener, nurse to the child. Was present shortly after Lady Anglesey's confinement, which was very well managed. Never saw L. Anglesey behave unkindly to his wife. *Signed* Jane Greener. *Endorsed* (3) read to her and signed 29 March.

(b^{14}) 25 March. Mrs. Phillips Wingate. Is a cousin of L. Anglesey. Lived for about ten months with L. Anglesey and his wife. They used to quarrel. Lady Anglesey complained to her of L. Anglesey's cruelty towards her, but witness never saw him unkind to her. Lady Anglesey's confinement, at which witness was present, was well managed. *Signed* Phill. Wingate. *Endorsed* (4) read to her and signed 29 March.

(b^{15}) 25 March. Ann Wikey. Lived for a year and a quarter with Lady Anglesey. Is still in L. Anglesey's service. Never saw any unkindness between L. Anglesey and his wife. L. Anglesey was present at his wife's confinement and was most attentive to her. *Signed* Ann Wikey. *Endorsed* (5) read to her and signed 29 March.

(b^{16}) 25 March. Mrs. Ruth Booth. Was present at Lady Anglesey's confinement which was well managed. L. Anglesey was also present and most attentive to his wife. *Signed* Ruth Booth—her mark. *Endorsed* (6) read to her and signed 29 March.

(b^{17}) 25 March. Joyce Rivall. Has been in Lady Anglesey's service nine months. L. Anglesey always behaved very kindly to his wife. *Signed* Joyce Rivall. *Endorsed* (7) read to her and signed 29 March.

(b^{18}) 25 March. Rebecca Cooper. Corroborates the evidence of the five previous witnesses as to the manner in which Lady Anglesey's confinement was managed. Was locked up for the night on one occasion with Lady Anglesey, but never saw

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L. Anglesey unkind to his wife. *Signed* Rebecca Cooper—her mark. *Endorsed* (8) read to her and signed 29 March.

(b^{19}) 25 March. Mr. Patrick Gray. Has been in L. Anglesey's service between five and six years. L. Anglesey was always kind to his wife. *Signed* Pa. Gray. *Endorsed* (9) read to him and signed with some addition 29 March.

(b^{20}) 25 March. Mr. Thomas Cotton. Is L. Anglesey's steward. Has lived three years in the service of Lady Anglesey. During this time never saw any acts of unkindness between L. Anglesey and his wife. Gives details with regard to the payment of Lady Anglesey's allowance and with regard to her separate household. *Signed* Tho. Cotton. *Endorsed* (10) read to him and signed 29 March.

(b^{21}) 25 March. Mr. Gills. Wardon. Has lived nine months as L. Anglesey's gentleman. Never observed any unkindness on the part of L. Anglesey towards his wife. *Signed* Gills. Wardon. *Endorsed* (11) read to him and signed 29 March.

(b^{22}) 25 March. Mr. John James Heidegger. Has known L. Anglesey and his wife for some time, and has never seen any unkindness between them. *Signed* J. J. Heidegger. *Endorsed* (12).

(b^{23}) 25 March. Thomas Porter. Has been footman in the service of L. Anglesey for a year and a half. Never saw L. Anglesey unkind to his wife. *Signed* Thomas Porter. *Endorsed* (13) read to him and signed 29 March.

(*c*) 26 April 1701. Paper containing the amendments, made in C. W. H. and reported this day, and an amendment, made on Report this day. They are shown on the text of the Bill above, and in the Annexes below. MS. Min. L. J., XVI. 661.

(*d*) 26 April. Amended Draft of Clause A, providing a rentcharge of 1,200*l.* a year for Lady Anglesey. The amendments were to add the words, for or in respect of taxes or impositions imposed or to be imposed by Parliament or otherwise, or, in a blank left after the words, without any abatement or deduction whatsoever. There is a note written in the margin, viz., Query, whether to be free from taxes? 16,500*l.*, the amount of the Lady's portion, is inserted in a blank in the proviso. [*Reported* this day. The amendments were drawn by Mr. Justice Nevill and Mr. Baron Tracy, and delivered by them to the Committee and agreed to on 24 April. *See* Notes to first paper, April 11 to 14.]

(*e*) 26 April. Amended Draft of Clause B, providing for the payment of the arrears of pin money to Lady Anglesey and the delivery of the jewels to Lady Dorchester until her expenses were reimbursed. The amendments were (1) to fill in the amount of the arrears, first 200*l.*, altered to 100*l.*; to add the particulars of the jewels, from the words, that is to say, to the words, with his own money; (2) to fill in the date, 1st August as the date for payment of the arrears and delivery of the jewels to Lady Dorchester, with the necessary consequential amendments; (3) to add, after the words, shall redeem the said jewels, the words, except such of them as were paid for by the said Earl of Anglesey as aforesaid; (4) to substitute the words, 2,000*l.* for and in respect of the said jewels, for the words, [blank] being the value of the said jewels, with the necessary consequential amendments. [*Reported* this day. The amendments were

drawn by Mr. Justice Nevill and Mr. Baron Tracy, and delivered by them to the Committee and agreed to on 24 April. *See* Notes to first paper, April 11 to 24.]

(*f*) 26 April. Amended* Draft of Clauses C and D, as follows:—(C) Provided that if the said Earl of Anglesey and the said Countess, his wife, shall at any time hereafter be *voluntarily* reconciled, and such reconciliation shall, under the hands and seals of the said Earl and Countess, be attested by two or more credible witnesses, *and declared by the said Earl and Countess in some Court of Record or before the Lord Chancellor or Lord Keeper of the Great Seal of England for the time being* [or if the said Countess shall live unchastely] [*or cohabit with the Countess of Dorchester*], then and in such case, all the provisions made for the said Countess by this Act and the force and effect of them shall cease and be void. (D) Provided also that if the said Countess shall, at any time hereafter during the said separation, or within [forty] *thirty-five* weeks next after such reconciliation so attested *and declared* as aforesaid, *except it be within nine months from* 12 *Feb.* 1700, have any child born, such child shall not, or be reputed to, be the child of the said Earl, bear his name, have any of his titles, or be entituled to have any part of the said Earl's estate or portion thereout by descent, settlement, purchase or otherwise; nor shall the said Earl be in any sort subject to any of the debts of the said Countess *which have been or shall be by her* contracted [or to be contracted during the said separation] *since the said* 12 *Feb.* Clauses C and D are noted *Agreed.* [*Reported* this day. On 14 April, in C. W. H., a clause offered by E. Anglesey was read, relating to the reconciliation of them, then the Act to be void. Clause amended and agreed to. The word, unchastely, was read. The *Question* was put, Whether these words, or shall live unchastely, shall be part of this clause last agreed? *Agreed* to be left out. The words, or cohabit with the Countess of Dorchester, read. The *Question* was put, Whether these words shall stand in this paragraph? *Resolved* in the negative. Another clause offered by the E. Anglesey, that if the Countess have a child born during her separation. Clause agreed to. Clause against Earl's paying debts of Countess since 12 Feb., was read. *Agreed to.* *Question* put, Whether these words, since the said 12 Feb., shall be part of the clause? *Resolved* in the affirmative. The next clause offered by the Earl, concerning their not being reconciled by Michaelmas come twelve month, then, she having her portion again, either [of them] may marry and the settlement void. The clause was rejected. MS. Min. 14 April.]

(*g*) 26 April. Amended Draft of Clause E, being the last proviso in the Act, hindering the Earl from insisting on his Privilege. The amendment is to add the concluding words, any laws, custom or usage to the contrary notwithstanding. [*Agreed to* this day on Report. *Ordered* that the words be added at the end of the Bill. MS. Min.]

1592. March 6. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to (1) James, L. Chandos, and (2) Henry, L. Herbert, who took the Oaths this day. L. J., XVI. 614.

* Additions in italics, omissions in square brackets.

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1593. March 6. Price *v.* Watts.—Petition and Appeal of John Price, Esq. In 1685 Petitioner and William Robinson, in trust for him, agreed to deliver iron from time to time to William Watts, an alderman of Dublin, who, with Sir Humphrey Jervis, Knt., gave a bond of 1,000*l.* for performance of the agreement. In 1688 Petitioner and Robinson brought an action against Watts for payment, and the latter, to be relieved, preferred a Bill in the Chancery of the Exchequer in Ireland. The Court of Exchequer, on hearing the Cause in June 1695, referred it to the Chief Remembrancer to state the account. He reported that 833*l.* 10*s.* 7*d.* was still owing by Watts. A dispute arose as to whether iron made by Browne and Bingham should be paid for at the same rate as that supplied by Petitioner, and the whole matter was, by consent, referred to Sir John Hely, Knt., Lord Chief Justice of the Common Pleas. He awarded Petitioner 800*l.* This sum was to be paid by Watts on 1 August 1699, unless by 31 July he gave good security, to the "liking of" Petitioner, to pay 400*l.* on 1 Feb. next ensuing and 400*l.* on 2 Aug. 1700, with interest at 8 per cent. The award was set aside by the Court, on the exception that the words, to his liking, made Petitioner a judge in his own Cause. The Court ordered that Brown and Bingham's iron should be paid for at the same rate as Petitioner's and that an account should be stated. Petitioner appeals against these orders, as the award of the arbitrator should not have been set aside. *Signed* John Price. *Countersigned* James Sloane, Fra. Annesley. L. J., XVI. 614. [Dismissed for want of prosecution on 1 May 1702. L. J., XVII. 112.]

Annexed:—

(*a*) 6 March. Order of the House on above Appeal this day, calling upon William Watts to answer. L. J., XVI. 614. *In extenso*. *Endorsed* Read 12 April 1701. [*See* next paper.]

(*b*) 12 April 1701. Affidavit of Daniel Combes, of Dublin, that on 22 March he had served the above Order on Respondent's wife, who refused to let him see her husband, and that he had left a copy with her. *Signed* Dan. Combes. *Sworn* 10 April before Tho. Gery. [*Appended* to preceding and read this day. Respondent was thereupon ordered peremptorily to answer. L. J., XVI. 651.]

1594. March 6. Forfeited Estates (Ireland).—Report of the Trustees, appointed under 11 & 12 Will. III. c. 2, § i. Fol. Ed., as follows :—

(1.) We, the Trustees appointed for putting in execution part of an Act of Parliament, made in the eleventh and twelfth years of his Majesty's reign, entitled, An Act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned, in obedience to the last clause of another Act, made the same session, entitled, An Act for the appointing commissioners to take, examine, and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war, do humbly lay before your Lordships a summary account of our proceedings.

(2.) As soon as the Act was printed, we had several meetings in London to consider of the necessary preliminaries for the due execution of our trust, and nominated such officers as we thought fit to carry over with us; and, because the Act required many things under several penalties to be done and performed, at or before certain days therein prefixed, that all persons concerned might have due notice thereof, we

drew up a memorial, containing an abstract of the several clauses thereunto relating, and presented the same to the Rt. Honble. the Earl of Jersey, then Principal Secretary of State, by whose means we procured a Proclamation to be issued by the Lords Justices here for that purpose. 1700–1701. — No. 1594.

(3.) Having made this entrance on our business, we agreed to meet in Dublin with all possible expedition, which we did on the first of June, and qualified ourselves by taking the oaths appointed by the Act.

(4.) This done, we immediately gave notice in print of the time limited for receiving claims, and to all tenants and occupiers of any of the forfeited estates to deliver in true particulars of the quantity, quality and real value thereof, pursuant to the Act; and required the sheriffs of this Kingdom to publish the same throughout their several counties. We gave our constant attendance to the last hour of the time limited by the Act and received every claim that was tendered, the whole amounting to 3,092.

(5.) Such of the tenants and occupiers of the said estates as delivered in their own particulars were sworn to the true quantity, quality and real value of the lands and tenements by them severally possessed, in order to set the same to the best advantage. Most of the tenants who lived in the remote counties, (we rather think out of ignorance than wilfullness), have not complied with the Act, and many others sent them up by post, or [by] persons that knew nothing of the values and so could not be sworn to any purpose, upon which we generally continued the tenants in possession on account, without any agreements, but to pay such rent as upon enquiry the lands should appear to be worth; thereupon we appointed receivers throughout the several counties of this Kingdom and gave them instructions, in writing, to enquire into and return up the true value of all the said estates in their several and respective districts, and under what rents, covenants and contracts they are held and enjoyed, and with our approbation to let and set the same and to take security from the tenants for their true answering and paying their rents. We have printed and supplied the receivers with all necessary forms of particulars and bonds for the purposes aforesaid and have taken security from them for the faithful discharge of their trust.

(6.) To make a better estimate of the quantity and value of the lands, we have appointed surveyors in the several parts of the Kingdom and have already had so good an effect of their endeavours, that we promise ourselves this service will abundantly recompense the expense of it; and, if the surveyors were empowered to administer an oath for the better ascertaining the meers and bounds, it would save a great expense to the country people, (who must otherwise be frequently summoned up to Dublin to be examined), and be a great satisfaction to the purchasers.

(7.) By these methods, we humbly conceive, we shall come to the knowledge of the value of the lands; but, by reason of the great rains that have fallen here this winter, the survey has been much delayed, and the districts of the receivers are so large and their instructions so particular, that we cannot as yet expect from them such an account as we may rely upon and consequently fit to be laid before your Lordships; but, according to our best observation, the lands per acre will answer the return of the last commissioners, but the claims upon them are so many, (a great part of which could not appear upon the former enquiry), that we can make no probable estimate what will be the neat produce.

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(8.) The claims on the Private Estate are already heard, and, we believe, will answer in the sale the valuation in the last Report,* though a great part of the lands in the Duke of York's grant was never in his possession.

(9.) Notwithstanding all our care, we doubt we shall not be able to raise the rents during our time to the full value, [as] most of the Private Estate is in lease to May next, at small rents, and some part of it longer. A great part of the forfeited estates is under beneficial leases. A great deal more is either under extents to creditors or in possession of mortgagees, some of persons who claim it as their own inheritance, and a considerable quantity is held in dower and jointure. Most of these we have continued in possession, upon giving security to answer the mesne profits, in case their claims should be dismissed. Besides this, we found it difficult to prevail with the tenants, who had taken leases from the grantees, to advance their rents. Most of them being Protestants and having made improvements upon their lands, deserved all the compassion we could justify; and further, we were afraid that, if we used any extremities, we should drive them off the lands and give ill impressions to the rest of the tenants, who were under great apprehensions at our first coming over, the consequence of which might be to leave the lands waste, it being impossible to get tenants to remove their stock and families upon so short a lease as our time; so that [we] were obliged to continue the present tenants in possession and raise them as high as we could. Therefore we humbly conceive we ought to make no estimate of the valuation of the lands from the present rents, and yet we hope they will answer more than double the whole expense of our Commission, which, in salaries, survey and incidents of all kinds, we compute at near about 40,000*l.* per annum.

(10.) We set no value on the forfeitable estates, having received information that thirty-two persons, active in the late rebellion and now resident in France, that were possessed of estates in this Kingdom, were lately indicted in the city of Dublin upon the Statute of Foreign Treason, and a grand jury, of as equal and indifferent men as could be found, were impannelled, and the evidence against most of them, as appeared by the examinations laid before us, was clear and positive; yet they were all acquitted.

(11.) We have heard and determined all the demands of the several purchasers of inheritance from the grantees to the one and twenty thousand pounds allowed by the Act before the tenth of August last, and have directed certificates to be given out of each man's share and proportion, pursuant to the Act. A list containing the names of the several purchasers, the sums by them respectively proved, [the sums] paid the grantees, from whom each purchase was made, and the particular sum or share of the one and twenty thousand pounds each purchaser is entitled to, is hereunto annexed.

(12.) On the twentieth of July, we gave public notice that we would sit on the fifteenth of August, to hear and determine claims in the order they were entered, and that all claims should be posted fifteen days before hearing, and in this method we continued till we could get all the claims abstracted. Then for the greater ease of the country and expedition of our business and the better to prepare the estates for sale, we did, on the ninth day of December last, further publish, that we would, from the seventh day of January, hear and determine all claims on the same estate together, beginning with the Private Estate, by which means we shall despatch more claims in less time, they depending much upon the same title, and frequently the

See No. 1471 Annexes (b^{10}) and (b^{11}).

same deeds and witnesses, and as we clear estates we may thereby put them into a method of sale. We have [sat], and do sit four days every week on hearing claims, the multiplicity of other business being more than sufficient for the other two days. There has been posted already 1,133 claims, about 800 whereof are heard and determined, many of which we found to contain several distinct claims on different titles and estates; those posted and not heard are postponed for want of prosecution or at the claimant's request, so that it will be impossible with our utmost industry and application to determine all the claims within the time limited. 1700–1701. — No. 1594.

(13.) Several of the grantees of debts have not complied with the Act in paying the monies by them received into the Exchequer on or before the 24th day of August, whereby they have forfeited double the value.

(14.) Several other grantees have neither paid the rent charges, or other rents, issuing out of the estates granted, nor the interest of mortgages or other securities affecting the same, pursuant to the said Act, on or before the first of November, by which means the debts are increased to double the money lent and lie as a heavy charge on the lands; every day giving fresh instances of this kind. We therefore think it our duty humbly to lay this matter before your Lordships, for your directions herein.

(15.) The number of Discoveries already lodged amount to 600, but we are not able to make any conjecture how valuable they are, not having time to hear them till after the 25th of March.

(16.) We have made enquiry into the wastes committed on the forfeited woods of this Kingdom, which we find very considerable. The trespassers that are able, we shall punish, but most of the destruction has been by the ordinary people of the country, who are unable to make satisfaction, or so much as answer the expense of our witnesses.

(17.) Great arrears of rent out of the forfeited estates and interests not granted, have incurred since the 13th of February 1688 and before the 2nd of November 1699, which are neither paid to his Majesty, nor are we entitled to demand them, and which will never be discovered unless vested in us with due encouragement to such as shall discover and pay them.

(18.) We hope it will not be thought presuming, if we humbly represent to your Lordships some instances wherein we conceive we are not empowered to execute our trust to the best advantage of the public. By the present provision of the Act, all arrears of rent due from the second of November or which shall hereafter become due, all penalties, fines and forfeitures, all debts due to forfeiting persons and all bonds entered into for security, are to be sued for in the name of the King's Attorney-General. We apprehend many debts of this kind may become due near the expiration of our Commission when there will not be time left us to recover them. Besides, we do humbly acquaint your Lordships that so many of the people of this Kingdom are interested in the forfeitures, that we have not hitherto thought it advisable to submit anything to their determination. We therefore do, with all submission, lay it before your Lordships, whether the placing the last result and determination of these matters in the trust be not for the public service.

(19.) There is one other part of the Act, which though we apprehend may not want explanation, yet, because we find an opinion industriously spread here which may tend to the discouragement of purchasers, we think it our duty to mention it to your Lordships. The construction

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generally put upon the vesting clause, fo. 8, is, that nothing is vested in us, but what the forfeiting person had, so that he that has any demand to, or out of, any of the said forfeited or other estates or interests, expects to be at liberty when our Commission is ended, to prosecute that demand in the Courts here, though they have entered no claim, which construction, we humbly conceive may make the claiming clause of little use. And, lest it should in some measure frustrate the ends of the Act, we lay it before your Lordships and submit it to your consideration, how far the validity of our sales in general shall be left to be controversed anywhere, under any pretence whatsoever.

(20.) We conceive also, that our not having power by the Act to punish the contrivers, aiders and abettors of false claims, as well as the claimants themselves, has been an encouragement to persons of interest and wealth to procure claims to be entered in the names of insolvent people, whereby the intention of the Act is defeated.

(21.) We do further crave leave to represent to your Lordships, that if some provision was made for enabling the persons, having the remainders after the forfeited estates for lives, to mortgage their interest for the purchasing such estates for lives, they would become the best purchasers, and that, in case such persons so in remainder were restrained from barring the forfeited reversions vested in us, the said reversions would be more valuable than now they are, by reason of some opinions prevailing here that such reversions may be barred by common recoveries; and that, if we had power to accept and take assignments or discharges of incumbrances, claimed and allowed as so much moneys for the purchase of the lands, most of the persons having such incumbrances would be the fairest purchasers, which may increase the number of bidders, lessen the burthen of interest, and expedite the sales.

(22.) We were of opinion that the quit and crown rents, issued out of the forfeited and other estates and interests vested in us, were, by unity of possession in his Majesty, extinguished, and that in our hands they were not liable to such rents by the words and plain construction of the Act, that they shall be sold, discharged of all arrears. But the Commissioners of his Majesty's Revenue being advised that the said estates were chargeable with quit and crown rents during their continuance in our hands, we were willing and did, for the ease and quiet of the tenants, permit them to collect the said rents in the usual manner and deposit them in the Exchequer. We do, therefore, most humbly represent this matter to your Lordships for further directions, whether these rents shall be applied towards the discharge of the public expense of this Kingdom or go in ease of the subjects of England and be applied as part of the fund allotted by the said Act to the uses therein mentioned, such rent amounting to about five thousand pounds per annum.

(23.) We think it incumbent on us to lay some few cases before your Lordships as objects of compassion and wherein the provisions of the Act are, as we conceive, short of your intentions.

(24.) The Lady Baroness Dowager of Upper Ossory did claim the benefit of a clause in the Act for confirming a grant from his Majesty of a maintenance to her, out of her late husband's estate, not exceeding eighty pounds per annum, and there being no grant, but only a letter from his Majesty in order to a grant, we humbly conceive, she is not so within the letter of the Act as to have any allowance of her claim. We have continued her in possession and chose rather to represent her case than disallow her claim.

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(25.) Captain James Roch is under the same circumstances, only with this difference, that since the Act his grant is passed the seals and, as we humbly conceive, may want confirmation.

(26.) The grant of Francis De la Rue, made upon the most valuable consideration, and intended to be four hundred pounds per annum, by reason of the adjudication of some persons within Articles, whose estates were comprised in his grant, and by the loss of a diminicle, or the original minutes, which warrants the making up the inquisition of some other forfeited lands in the county of Galway within his grant, he is like to be defeated of the greatest part of his Majesty's gracious intentions towards him.

(27.) We humbly crave leave to acquaint your Lordships that Col. Thomas Dungan, commonly called Lord Limerick, did not enter any claim to his brother's estate within the time limited, whereby he is entitled to the 8,000*l.* given him by the Act, and that he has since offered to produce a settlement and relinquish his interest in the 8,000*l.* if he might be admitted to claim; of which we could take no cognizance. And here we ought to take notice, that all the claims on the said estate are heard and determined, and that the grantee thereof has sold to several purchasers to the value of 8,113*l.*, one third part whereof is charged by Act of Parliament as a debt on the said estate.

(28.) There is a great estate forfeited for life, by the attainder of John Bourke, late Lord Bophin, whose wife and nine children have no subsistence during the father's life. If some provision were made before the sale of the estate to enable them to treat with us for the disposal of their reversionary interest for lands in possession, it might be a present relief to the family and an advantage to the sales, all which is humbly submitted to your Lordships' commiseration.

(29.) We presume humbly to lay before your Lordships one further object of compassion. There are about one hundred and fifty families of English and French Protestants, planted on the lands of Portarlington, the forfeiture of the late Sir Patrick Trant, who have laid out their whole substance in purchasing small leases now in being, which lands were part of the grant of the Rt. Honble. the Earl of Galway, who has thereon erected and founded an English and French church and school, and endowed them with pensions amounting to near 100*l.* per annum, which have been constantly paid till the said lands were vested in us.

(30.) Having, according to our duty, laid before your Lordships the best account we can at present give of our proceedings, we most humbly beseech your favourable interpretation of them. We are not insensible that in so large a trust, ungrateful to so many, that there may be some misrepresentations of our actions, which we hope will make no impression upon your Lordships till we have an opportunity to vindicate ourselves; and we doubt not, but we shall so far justify our endeavours for the public service as to deserve your protection. And we crave leave further to assure you, that as we esteem the great trust reposed in us to be the highest honour that can be conferred so we shall spare no pains, or industry in the faithful execution of it. *Signed* and *Sealed* Cyrill Wich, H. Sheres, J. Baggs, Jno. Isham, John Trenchard, Hen. Langford, James Hooper, John Cary, Fra. Annesley, T. Harrison, Wm. Fellowes, Tho. Raulins. *Dated* Dublin, 15 Feb. 1700–1701.

Then follows a list of the several purchasers of inheritance under the grantees of forfeited estates, with their respective proportion of the 21,000*l.* allowed them by Act 11 & 12 Will. III. c. 2 (*see* Paragraph 11 of Report). The list is in three columns (1) Purchase

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Money, (2) Purchasers, and (3) Proportion of the 21,000*l.* At the end are the totals of this account, as follows :—

Purchase Money.			Purchased from	Proportion of the 21,000*l.*		
£	*s.*	*d.*		£	*s.*	*d.*
16,731	13	4	Earl of Albemarle - -	5,905	1	9¼
17,484	12	0	Earl of Athlone - -	6,170	16	4½
562	1	10	Earl of Abercorn - -	198	7	6¾
730	0	0	Col. Henry Luttrell - -	257	12	9
70	0	0	O'Malan and McVeagh -	24	14	1¼
23,923	14	7½	Earl of Romney - -	8,443	7	5¼
59,502	1	9½		21,000	0	0

[Delivered this day by Mr. Morris Annesley, a messenger from the Trustees of Ireland, and read on 14 March. *Ordered* that two of the Trustees, Sir Henry Sheres and Francis Annesley, Esq., do attend, to explain. On 8 April the L. Keeper acquainted the House that they had come from Ireland and were ready to attend. MS. Min. March 6, 14; April 1, 8. L. J., XVI. 614, 622, 640, 645. No further entries till 5 Feb. 1701–2.*]

Annexed:—

(*a*) 1 April 1701. Letter from the Trustees to the Lord Keeper, Sir Nathan. Wright, acknowledging receipt of his letter of 15 March with an enclosed Order of the House, in obedience to which Sir Henry Sheres and Mr. Francis Annesley are preparing to attend the House with all convenient speed. *Signed* Cyrill Wich, J. Baggs, Hen. Langford, John Cary, Wm. Fellowes, T. Harrison, Tho. Raulins, James Hooper. *Dated* Chichester House, Dublin, March 25, 1701. *Endorsed* as received this day, and read. [The Lord Keeper acquainted the House this day that he had received this letter. L. J., XVI. 640.]

1595. March 6. E. Macclesfield's Privilege (Phillipps).—Paper endorsed, Browne's affidavit, stating that Mr. John Browne will prove that William Phillipps, a menial servant to E. Macclesfield, was arrested yesterday at the suit of one Richard Wilford. The bailiffs' names are Charles Wapshott and William Elderton. Phillipps is in their custody in a spunging house. Wilford and the bailiffs refused to discharge him. [On 6 March *John Browne* (sworn) said he [Phillipps] was arrested yesterday morning at the suit of Richard Melford[Wilford]. He eats and drinks at E. Macclesfield's: I told them he was my Lord's servant. He said, if it cost him 500*l.*, he would stand it out. *E. Macclesfield* assured the House he was his servant. *Ordered* that the Plaintiff and bailiffs be attached and Phillipps discharged. MS. Min. L. J., XVI. 614. On 6 May 1701 Wilford and the bailiffs asked pardon of the House and E. Macclesfield and were discharged, paying their fees. MS. Min. L. J., XVI. 669.]

1596. March 11. Vicountess Dowager Saye and Sele v. V. Saye and Sele.—Petition of Catherine, Vicountess Dowager Saye and Sele. Petitioner, the widow of William, V. Saye and Sele, had settled upon her 300*l.* a year out of lands in Newton and Broughton, Oxon., besides

* See L. J., xvii. 27, 29, 31.

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lands of nearly the same yearly value in Bromby, Lincolnshire, subject to mortgages for 2,300*l.* principal, besides arrears of interest. On her husband's death, Nathaniel, the present Viscount, took possession of all the real and personal estate of Petitioner's husband. His agents seized the deeds and the Petitioner's wearing apparel, which was in the mansion house. The Viscount refuses to deliver these to the Petitioner, although he admits her right to the 300*l.* a year, out of which sum he has paid her 115*l.* This is all that the Petitioner has had to subsist on for over two years. The Viscount also refuses to pay the arrears, which will amount to 637*l.* on 25 March. He also keeps the Petitioner out of the Bromby estate, and refuses to pay the interest on the mortgages, though he receives the rent. He will not speak to any one she sends to him and threatens to starve her, insisting on his Privilege. Petitioner is destitute and lamentably harassed by the great debts she is forced to contract. Prays that the Viscount may be compelled to pay her the arrears of her rent-charge, her title to which he does not deny and which he has admitted in his case formerly presented to the House*. Petitioner also prays that her writings and wearing apparel may be restored to her and that she may be at liberty to proceed at law for the recovery of the Bromby estate. *Signed* K. Say & Sele. [*Endorsed* as read this day. *Ordered* that V. Saye and Sele answer with all convenient speed. L. J., XVI. 619. On 18 March the Viscount's Answer (Annex (*a*)) was brought in. MS. Min. On 19 March the Petition and Answer were read. *V. Saye and Sele* declared he would insist on his Privilege. *Proposed* that there be a new reference to the same Lords as before, at the desire of each party. *Proposed* to refer it to the Committee for Privileges, to consider what has been done in the like case or what may be done in this, and each party to have Counsel if they think fit. *Ordered* the Committee to meet Monday fortnight. In the margin is a reference to the case of Sir F. Leeke and L. Scarsdale [? L. Deincourt, 2 Car. I.] MS. Min. On 31 March 1701, at the Committee for Privileges, L. Herbert in the Chair, *Mr. Phipps* was heard for the Lady: All our writings are taken from us. My Lady's not compliance with the reference was because 20*l.* per annum was offered for 1,500*l.* They offer several precedents for waiving Privilege, as L. Deincourt's case and others. The Lady has paid off a debt of 5,000*l.* She has improved the estate. We hope your Lordships will give order for the waiving Privilege. *Mr. Beresford* heard for the Lady also: They themselves do not controvert, but the Lady was married and so has a right to thirds. We had afterwards a jointure. We say there was a Will, which entitles her to part of the real and personal estate. In many cases this House has controlled Privilege.

15 May 1626 read. Leeke v. L. Deincourt.
12 Feb. 1628. This was read also.
3 July 1678 read.
21 Feb. 1692. Noblewomen. No Privilege.
12 Nov. 1685.
23 Oct. 1691 read.
26 Oct. 1696 read. Sawrey v. E. Derby.
14 Dec. 1696.
29 April 1699.
15 Dec. 1691.

Sir Thomas Powys heard for V. Saye and Sele: My Lord will pay her the 300*l.* per annum and all arrears, but hopes he may insist on his

* House of Lords MSS., Vol. III. (New Series), No. 1363.

1700-1701. — No. 1596. Privileges as to the real estate, when deeds and Wills may be set up. *Mr. Phipps* and *Mr. Beresford* heard to reply. Counsel withdrew. *V. Saye and Sele* proposes a reference and is unwilling to give further trouble. *Moved* to report that it is the opinion of the Committee that all sorts of settlements are in the nature of trusts. They withdraw. *Ordered* to report that the precedents will not be reported until the result of a proposed reference of the difference to some noble Lords has been reported. Priv. Book. On this Report being made this day by L. Herbert, Lord Somers and the Bishop of Oxford were named referees by the Viscount and the Lady's Counsel respectively, and E. Rochester was named umpire by the House. L. J., XVI. 638. On 26 April, after several Orders for the referees to report, *E. Rochester* reported that they had heard agents for both sides, all fully heard. Lady Saye and Sele insisted on 300*l.* per annum and arrears from the Lord's death, and that by another deed an estate in Lincolnshire is settled on her and her heirs. This is disputed; and the demand of arrears is near 4,000*l.*: I after met with the Bishop of Oxon and L. Somers and they desired me to offer something. The 300*l.* per annum is clear. Her demand and Lord's concession were wide. I understood that the former referees had come to some sort of agreement that the Lady have the 300*l.* and 1,500*l.* in money. This I proposed now. At first it had no effect. My Lord would not hearken to this. After some time my Lord, V. Saye, acquainted me that he had rather end it this way. My Lord proposed to allow the 300*l.* and arrears. I have endeavoured to bring my Lady's referee to anything less. My Lord Saye offered 1,000*l.* There is now some sort of an agreement by my Lord's offering 1,200*l.* *Bishop of Oxford* heard for the Lady Saye and Sele. *L. Somers* heard for V. Saye and Sele: The rentcharge and all the arrears, and over and above 1,200*l.*, to be paid to my Lady. *Bishop of Oxford* says, the Lady Saye is not here, but he will refer all to the House. The House agreed that the 300*l.* per annum and arrears thereof and 1,200*l.* be paid to the Lady Saye and Sele. *Proposed* the Lady have the plate and clothes agreed on in the last reference to be delivered, and also the deed of 300*l.* per annum. *Agreed* that the referees meet and settle this matter and report on Monday next the 28th. MS. Min. L. J., XVI. 662. On 28 April *Moved* that some matters have arisen which they cannot agree on. L. Saye says he [excepts?] no deduction out of 1,200*l.* *Agreed* to give time until to-morrow for this agreement. MS. Min. On 29 April the terms agreed on by the parties were reported by E. Rochester and approved by the House. L. J., XVI. 665. *In extenso.* On 3 May the House was informed that the Lady Saye and Sele entirely submits to the pleasure of this House. *Proposed* the Lady to have half the linen instead of the bed. *Disagreed.* This is taken to be perfecting this agreement, as to the payment of the first 100*l.* *Agreed.* *Proposed* to require of the Lord and Lady that their agents despatch this matter. *Agreed.* *Ordered*, If any difference arise, either party is to repair to the Lord Chief Justice to adjust matters between them, all [? as] agreed by the House. MS. Min. No entry in L. J.]

Annexed:—

(*a*) 18 March. Answer of Nathaniel, Viscount Saye and Sele. At the time of the death of Respondent's father William, the late Viscount, Respondent's friends had very great difficulty in preventing Petitioner, his father's second wife, from taking possession of the whole estate, real and personal. Shortly afterwards the closet in Respondent's house at Broughton,

where the family papers were kept, was opened in the presence of Mr. Cox, on Petitioner's behalf, and Mr. Herbert, the late Lord's steward, and Petitioner's agent, and, after an offer to examine and schedule them had been declined, the closet was sealed up by agreement and the key delivered to Herbert. Then an inventory was made of the goods, among which, he believes, was some of Petitioner's wearing apparel, of very little value, which has never been demanded and which he is willing to give up. Since his return to England, he has looked at the papers, but found none relating to Petitioner's demands. If any are found, he will give them up. He never admitted her right to 300*l.* a year or to the Bromby estate, and the only evidence of such pretended rent is the printed Case referred to by her, which ought not to conclude him, as it was hastily prepared by his friends in his absence on wrong information. It is not reasonable to suppose such provision was made for her, as she was only a second wife, married without previous treaty, not without some artificial management and surprise on the late Lord, and brought no fortune. The 113*l.* given her by Respondent was no part of the pretended rent, but a loan for her support pending the settlement of the disputes between them. These were, by agreement, referred to the arbitration of three Lords, but Petitioner refused to accept the terms proposed by them, and, to maintain a Will which she set up, disclosed transactions which a due regard for her husband's memory ought to have induced her to keep secret. The pretended Will stands condemned by the Ecclesiastical Court, and any settlement, which she can pretend to, will no doubt turn out to have been unfairly obtained. Denies any thought of starving Petitioner, but on the contrary, in spite of her disregard of his father's memory, is willing to allow her 300*l.* a year, if she will withdraw her other claims; otherwise he hopes it will not be thought dishonourable or unreasonable that he should insist on his Privilege. *Signed* Say and Seale. *Endorsed* as brought in this day.

1597. March 11. Lindsey Level Bill.—Amended* Draft of an Act to confirm the decrees made by the Commissioners of Sewers concerning the draining of Lindsey Level. (For the most part illegible, from the effects of damp.) Whereas the fens called Lindsey Level in the county of Lincoln, extending itself from Bourne to Keyme-Ea, and from thence to Lincoln, containing about 92,000 acres of ground, was for 100 years before, and in the reigns of Queen Elizabeth, King James I., and more particularly in 5 Car. I., so much overflown and hurtfully surrounded with water that the same was rendered useless for the greatest part of the year to the inhabitants and commoners of the towns adjacent, and the charge of draining it being found greater than could be borne by the persons then liable to pay the same or would be undertaken by the lords of the adjoining manors or by the neighbouring gentlemen, the Rt. Honble. Robert, then Earl of Lindsey, was, at the humble request of the said lords of manors, inhabitants, commoners and Commissioners of Sewers, recommended by King Charles I. as a proper and capable person to undertake the draining of the said fens; and whereas in pursuance of their proposal made to his

* Additions in italics, omissions in square brackets. The margin of the Bill is marked where amendments are to come in. These are not given on the Draft, but are supplied here from MS. Min. 15 April 1701.

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said Majesty King Charles I., the said lords of manors, inhabitants and commoners interested in the said fens contracted and agreed with the said Earl that the said Earl and his participants should have 24,000 acres for draining all the said fens lying between Bourne and Lincoln, and should be put into possession of 14,000 acres, part of the said 24,000 acres as soon as such part of the said fens as lies between Bourne and Keyme-Ea should in the judgment of the Commissioners of Sewers be sufficiently drained; which contract was afterwards decreed by the then Commissioners of Sewers, and their decree was confirmed by the Royal Assent and enrolled in the High Court of Chancery; and whereas, in performance of the said agreement on his part, the said Earl, together with Sir William Killigrew, Knt., Sir Edward Heron, Knt., and divers others, their joint undertakers, participants and adventurers, in 12, 13 & 14 Car. I., at their charge of 80,000*l.*, so effectually drained all the said fens betwixt Bourne and Keyme-Ea that the Commissioners of Sewers upon a view thereof adjudged the same to be sufficiently drained, and 14,000 acres, part of the said fens, were, pursuant to the said contract and by decree of the said Commissioners confirmed by the Royal Assent and enrolled in Chancery, allotted to and put into the possession of the said Earl, Sir William Killigrew, Sir Edward Heron and others, their joint undertakers, participants and adventurers, who divided the same amongst themselves, enclosed their shares, built houses thereon, ploughed, sowed and enjoyed the same quietly for almost three years, and until the beginning of the unhappy Civil War in 1641, when many riotous people violently entered upon and destroyed their plantations, burned their corn then growing, pulled down their houses and ruined some of their drains, and have by force kept possession thereof ever since; And whereas the said Earl of Lindsey, Sir William Killigrew, Sir Edward Heron and others, their joint undertakers, participants and adventurers, are all dead since, and their interests of, in and to the said undertaking, contract, decrees and land, agreed on for a recompense of the said draining, or the greatest part thereof, are come and descended to or otherwise vested in Sir Robert Killigrew, Knt., Henry Heron, Thomas Wyndham, Edward Heron, William Killigrew, John Pettiward and Henry Killigrew, Esquires, who are desirous to complete the draining of the said whole Level and ought to have the benefit of the said contract and decrees; but are, contrary to law and good government, riotously opposed and obstructed in both by vast numbers of evil-minded people, to the great detriment of the country, as well as loss of the said undertakers, which mischief cannot be redressed by the ordinary course of justice; To the end, therefore, that so public and beneficial a work may proceed and be preserved, and the said undertakers encouraged therein and restored to their right, which has been so long and unjustly detained from them. The Bill, therefore, enacts that the said contract and the decree of the Commissioners of Sewers made in pursuance thereof are ratified and confirmed; that from the *twenty-fourth day of June* next the 14,000 acres allotted shall revert to the possession of and be vested in the present undertakers and of any other persons claiming under the contract, decree, allotment, or any conveyance, according to their several proportions, freed from all arrears since 1641 of the tax of 10*d.* an acre payable to the Crown, which shall be payable only by the persons who have enjoyed the lands during that time, or their heirs; that the undertakers and any joint-undertakers with them may drain the part of Lindsey Level between Keyme-Ea and Lincoln, provided the work is completed before the *twenty-fourth day of June one thousand seven hundred*

and six; and when that work has been completed to the satisfaction of Commissioners, to be hereafter named, the latter shall set off 10,000 acres of the drained land and divide them among the undertakers and any joint undertakers with them, freed from any incumbrance. And for the better enabling the said undertakers to complete the work, they and their servants may have access with horses, carts, &c., to any lands, either within or without the Level, and make any cuts, drains, or other works they may think fit for draining the Level, paying such compensation as may be agreed on, or failing agreement, as shall be adjudged by the Commissioners or any five of them; provided that they shall not obstruct the fall of the waters into the river Gleane [Glen], or take water from it, but shall suffer it to pass Pinchbeck and so on to the sea, as now. The undertakers, &c., and their servants shall not be interfered with in their work by the Commissioners of Sewers, and any person wilfully damaging any of their works shall pay for the damage caused thereby and repair at his own expense, and shall incur the pains and penalties imposed by Act of Parliament for cutting the Pow Dyke, in Marshland, in Norfolk. And for the better and more speedy effecting the draining of that part of the said Level yet undrained, the undertakers have power to make agreements or contracts for the work, and give any part of the 14,000 or the 10,000 acres, or any sum of money therefor, which agreements or contracts shall be binding on all having any claim on the said land. And for the better preserving the said 14,000 acres, already drained and allotted, and the said 10,000 acres, to be hereafter drained and allotted, from being again overflown, the undertakers and all persons possessing 300 acres of the said land in their own right, or any *five* of them, shall have the same powers with regard to the said land as Commissioners of Sewers can have to make orders or rules and assess rates and levy them by distress if unpaid for *twenty days*, and, if sufficient distress cannot be found, to sell the inheritance, restoring the overplus to the owner. [And be it further enacted by, &c., that [blank] shall be Commissioners to adjudge, determine and execute the matters and powers by this Act to be adjudged, determined, and executed by them]. And lastly, in any suit brought by reason of anything done under this Act, the defendants may plead the general issue, and give this Act, the Earl's contract, or the decrees, or authentic copies thereof, or any other special matter, in evidence; and the plaintiffs, if unsuccessful, shall pay to the defendants *twenty pounds*. [Read 1ª this day, pursuant to Petition (Annex (*a*)), and committed to C. W. H. on 17 March. L. J., XVI. 618, 625. On 15 April, in C. W. H., L. Willoughby in the Chair, Counsel were heard for Petitioners against the Bill (*see* Annexes (*b*) and (*c*)). The Petition of Sir William Massingberd, Sir Charles Orby, &c., read. *Mr. Serjeant Selby* heard for Petitioners: This establishes the most arbitrary proceeding in the world. It invades the properties of thousands of people. *Mr. Pooley* heard also for the Petitioners and country: They say they have a legal title. Then no need of the Bill. If not, this is not the way to try it. *Mr. Dodd* heard for the Bill: We have a just pretence for this Bill. This Bill was never rejected upon the merits of the Cause. *Mr. Phipps*, for the Bill: What can we do against so many thousands of people? *Mr. Killigrew* heard for himself and the Bill. *Serjeant Selby* heard in reply. They read an agreement with the E. Lindsey formerly in this case, and a decree made for the possession of 14,000 acres. *Mr. Selby* and *Mr. Pooley* heard in reply. Counsel withdrew. House resumed, and *L. Willoughby* reported that the Committee had heard the Counsel for and against

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the Bill. After some time, House in Committee again. Preamble read and postponed. First enacting clause read. House resumed. *Moved* to put off the further consideration of this Bill for three weeks. After some time, House in Committee again, and the Bill was amended as noted above, agreed to, and reported. The amendments were agreed to on Report. *On Question*, Whether this Bill shall be engrossed? *Resolved* in the negative. *Ordered* that the Bill shall be rejected. MS. Min. L. J., XVI. 653.]

Annexed:—

(*a*) 24 Feb. Petition of Sir Robert Killigrew, Knt., Thomas Wyndham, Edward Heron, Henry Killigrew and William Killigrew, Esqs., on behalf of themselves and the rest of the drainers of Lindsey Level. Great part of the county of Lincoln between Bourne and Lincoln containing a Level of about 80,000 acres of overflown wastes, upon the skirts whereof the inhabitants of several of the adjoining towns had common in dry seasons for their younger cattle, and the said inhabitants being prejudiced of receiving any benefit thereby, they with general consent petitioned the Commissioners of Sewers for those parts to have the said Level drained, and prayed them to propose a considerable part of those lands for recompense to those that would undertake the same. The Commissioners acquiesced, and proposed to give their utmost assistance, but could not prevail with any lords of the adjoining manors to undertake the drainage. At the further instance of the inhabitants, the Commissioners petitioned King Charles I. to recommend undertakers, assuring him they would decree 24,000 acres of the overflown wastes to them for draining part thereof. The King desired Robert, E. Lindsey, to undertake the work, not only as an act which would endear him to the whole county, but as a public service, and promised the Royal Assent to the decree and to a Bill confirming it, and his countenance and assistance from time to time. The Earl pressed Petitioners' ancestors to join him in the undertaking promising them several proportions of the 24,000 acres, and on their consenting the King thanked them and the Commissioners and thousands of the inhabitants received them with all imaginable acknowledgements of thanks and acclamations of joy. The draining was begun in 1634, and part of the Level was drained at an expense of 80,000*l*. For this 14,000 acres were decreed, with the consent of the Crown, and put in the possessions of the undertakers and subdivided among them; great part was built upon and ploughed and sowed, the inhabitants reaping extraordinary advantage from the drainage; the draining of the remainder of the Level, for which 10,000 acres more were to be decreed, was soon after to be undertaken also. The inhabitants of the neighbouring towns, however, taking advantage of the public national troubles in 1641, riotously entered into the 14,000 acres, destroyed the buildings, fences, and growing crops, and have forcibly held the lands in common ever since, in spite of many legal and amicable endeavours by Petitioners' ancestors to regain them. Two Bills to confirm the decree formerly passed the Lords, but were delayed in the Commons, and when, once, all differences were arranged, the sudden end of the Session put an end to the Bill. Petitioners now hope their grievances will be redressed and the merits of the undertakers recognised in draining the Level, whereby the public has been much benefited and enriched. Pray, for

property and justice sake, and as subjects aggrieved and deprived of their just rights and estates, for leave to bring in a short Bill to confirm the decree. *Signed* Robert Killigrew, Tho. Wyndham, Hen. Killigrew, Wm. Killigrew, Ed. Heron. L. J., XVI. 606. [*See* Note above.]

(*b*) 22 March. Petition of Sir William Massingberd, Sir Charles Orby, Tho. Lister, Esq., Richard Wynne, Esq., and Robt. Cawdron, Esq., and others, on behalf of themselves and sixty towns and villages adjoining to and claiming common in the fen called Lindsey Level, in the county of Lincoln. Petitioners hear that great endeavours are being made by persons who pretend to be the heirs of some undertakers who 60 years ago made a pretence of draining the fens, and that they were to have 24,000 acres for their own use, although the said fens were never drained by them. For this end these drainers and their participants have brought this Bill to drain the fens and enclose the 24,000 acres. This will divest Petitioners and above 60 neighbouring towns of their right of common which they have enjoyed time out of mind. These pretended drainers have for 50 years past disturbed the whole country and harassed the inhabitants by complaining to Parliament. Their pretences are well known to most of the members of both Houses, and on several Hearings at the Bar of the Commons in several reigns, their Petitions and Bills have been always thrown out, their last Petition *nemine contradicente*; and they never reaped any benefit by such complaints, nor ever had quiet possession of any part of the lands. Pray they may be protected in their liberties and properties and right of common, and that the Bill may be rejected. *Signed* Ch. Orby, Stepn. Hutchinson, Willm. Massingberd, Tho. Webberley, Edw. Ayscoghe, Edwd. Dymoke, Richd. Wynne, Robt. Cawdron, Geo. Langton, Ja. Groundman, Tho. Lister, S. Oldfield. L. J., XVI. 632. [*See* Note to first paper.]

(*c*) 12 April 1701. Petition of Thomas, Lord Raby. Petitioner has a rightful inheritance by purchase for a valuable consideration to the Eight Hundred Fen, from John Orme, of Swinshead Abbey, Esq., lord of the manor, which the drainers are well acquainted with; but they pretend it is part of Lindsey Level, and that they have a right to cut through it without first agreeing with Petitioner. They never acquainted Petitioner with their having brought in this Bill, nor got his consent, and one of them, John FitzGerald, lays an unjust claim to the Eight Hundred Fen. Forasmuch as Petitioner is going as Envoy for the King to Prussia, or some other foreign part, and his agents are not fully instructed in the matter, and inasmuch as the presence of John Orme and others, now in Lincolnshire, is necessary to prove Petitioner's title and other matters, he prays that the Committee be put off for a month, and that he be fully heard by Counsel on the Bill. *Signed* Raby. L. J., XVI. 650.

1598. March 11. Fawconer's Estate Act.—Amended Draft of an Act for vesting *and settling** several messuages, lands and tenements belonging to John Fawconer, Esquire, in trustees, to be sold for payment of debts. The amendments, made in the Select Committee, in addition to the amendment in the title, were to add, towards the end of the preamble and in the first enacting clause, the words which except the

* These words were added by the Select Committee.

1700–1701. — No. 1598. capital messuage, &c., where John Fawconer lived from the property to be vested, and to substitute the words in the Act, which define the purpose of the sale by the trustees and the settling of the residue, after payment of debt, &c., down to the general saving clause, for more general words, not specifying the amount of the debt to be paid off. On 27 March 1701 the Select Committee ordered Mr. Fawconer to propose particular lands whereon the jointure of Mrs. Fawconer should be secured, and on 29 March the parties offered a paper of amendments (Annex (*b*)). The amendments were agreed to. Com. Book. The Commons' amendments were of a drafting nature. C. J., XIII. 522.

[Read 1ª this day. Royal Assent 12 June 1701. L. J., XVI. 618, 739. 13 Will. III. c. 28 in Long Cal.]

Annexed:—

(*a*) 10 March. Petition of John Fawconer, Esq. About 28 years ago, on his marriage with his now wife Elizabeth, daughter of Richard Neville, Esq., deceased, Petitioner settled his estate in Hampshire, appointing Richard Neville and Richard Rainsford, Esqs., to be trustees. In this settlement Petitioner was made only tenant for life, and his wife had a jointure. There has been no issue of the marriage, but by divers losses and accidents Petitioner has contracted debts which he cannot pay without being enabled by an Act to sell part of the settled estate, to which his wife and the trustees consent. Prays leave to bring in a Bill. *Signed* Jo. Fawconer. L. J., XVI. 617.

(*b*) 29 March 1701. Paper of amendments offered by the parties this day in the Select Committee, pursuant to Order of 27 March, and agreed to. Com. Book.

1599. March 12. Foreign Affairs (Treaties, &c.).—Copies of texts and translations and treaties between England, France, Sweden and the States General, with relative papers, delivered on 26 Feb. and 6 March. L. J., XVI. 608, 614–5. The translations were read on 12 March, together with papers relating thereto, of later dates. *Ib.* 619–20.

[On 12 March the House, pursuant to Order of 10 March,* took the treaties into consideration. *Moved* to see the instructions those had who were to treat in the separation, what the commission and what the instructions were. The instructions and the letters of credence are in the Secretary's office. *Moved* to send to his Majesty for all the letters of credence and instructions to the Commissioners of the separate Treaty of Spain. *Moved* that the L. Chamberlain humbly move his Majesty that all matters any way relating to the negotiations of the treaties be laid before the House. *Agreed.* MS. Min. L. J., XVI. 619, 620. On 13 March the L. Chamberlain acquainted the House that he had acquainted his Majesty with the desire of this House. That his Majesty had given orders for them to be brought, as desired, and he thought Mr. Yard was at the door with them. Mr. Yard was called in and asked if he had all the papers relating to the treaties. *He says* he has. *Mr. Yard* came to the Table and opened his trunk, and says he had all the papers. He delivers copies of the powers given to treat. The power given to E. Portland read. *Ordered* Lords be summoned to attend to-morrow and told the business of treaties. MS. Min. L. J., XVI. 621. On 14 March *Mr. Yard* delivered the 5 papers, mentioned in L. J., XVI. 622, which were all read by the Clerk. *Moved* to appoint a Committee to represent to the King a method

* L. J., XVI. 618.

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for making treaties for the future. *Moved* to consider in what manner to apply to the King that this manner may be prevented for the future; in the most decent and most respectful manner to represent to the King that anything of this nature may be prevented for the future. This method of acting is not agreeable to our Constitution. *Moved* to confer with the House of Commons in this matter. A Committee appointed to state the matter of fact that appear to this House upon this Treaty and the methods taken on it, and then desire a Committee of the House of Commons to meet and consider the methods to prevent the like for the future. Lords' Committees appointed to state matters of fact upon the treaties and the circumstances relating to them.* Lords' Committees appointed to draw an Address to be presented to his Majesty upon the debate this day in the House. Then this was cancelled and the reference was made to read as in L. J., XVI. 622. MS. Min.

On 15 March, at the Select Committee, E. Nottingham in the Chair, a statement of the facts as to the Treaty now in debate under several heads was proposed. Com. Book. L. J., XVI. 623. *In extenso.* This statement was reported specially the same day and read. After debate the first head was amended. *Ib.* 623. On debate the second head was negatived. Contents 24, Not Contents 40: Tellers, E. Stamford, E. Peterborough. Leave to protest was given. The third head was, after debate, negatived without a division, though several Lords protested. A debate arose on the 4th and 5th heads, which were adjourned to Monday the 17th. MS. Min. L. J., XVI. 624–5.

On 17 March, on the Order for resuming the debate on the 4th head being read, *E. Marlborough* acquainted the House that he had leave from his Majesty to speak: About 8 o'clock we met at E. Portland's lodgings. Mr. Secretary proposed. The Treaty was read. L. Somers took it into his hand and made objections to it. Final one. The Archduke's going into Spain. I said it might be prejudicial to trade to give the French so much. My Lord said the French desired more. There was something said of the Emperor too. About 10 we rose. This is all I remember. About beginning [of] February twelvemonth. *L. So ers* heard. *L. President* heard. *L. Halifax* heard. *E. Portland*: We were to communicate to those lords the form [force?] of the treaty. *L. Chamberlain* heard. *Moved* to send to the House of Commons to desire that Mr. Secretary Vernon may attend in this matter. Message sent. L. J., XVI. 625. *In extenso.* *Ordered* the same Committee as before to draw the Address and to meet presently in the Prince's lodgings. MS. Min. L. J., XVI. 625. At the Committee, E. Nottingham in the Chair, *Mr Secretary Vernon*, being at the door, was called in and acquainted that several Lords have been heard as to what passed at a meeting of some Privy Councillors, whereof he was one, relating to the Treaty of Partition. He spoke to the effect following: I attended some Lords when there was a draft of a Treaty of Partition read to them. There was notice taken there of the prohibition therein [of] the Archduke's coming into Spain and of demolishing forts, and that, if either should be done, there might be an engagement in a war. There was nothing more then. Objections made. There were no resolutions taken. He remembers no more relating to this meeting. *Q.* Know you anything more relating to this Treaty? *A.* Nothing occurs to me that I think fit for your Lordships' information. He withdraws. Com. Book. Then the House was resumed and *E. Nottingham* reported that the Committee had met and Mr. Secretary

* Substituted for the words, treaty, and the methods of making it.

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Vernon attended. Mr. Vernon said he was at such a meeting upon the Treaty. Final [Treaty] was talked of, and that of the Dauphin also. There was no resolution taken at that meeting. *Moved* to go on with the Address. Then the 4th and 5th heads were read. After having heard several Lords and Mr. Secretary Vernon, relating to this matter, and debate thereupon, [*Moved*] That it does not appear to us that the draft of the Treaty, when perfected, was considered at any Council where the King was present, nor that it was advised or approved by any Council or committee of Council. Then the following words were read, [in head 4] That there were no instructions in writing to our plenipotentiaries, though the powers were unlimited. After debate, *Agreed* to leave out these words. [Then the following words were considered.] Whatever verbal order or instructions were given, yet it appears not to us they were considered in any Council, and that it does not appear to us that the draft of the Treaty, when perfected, was considered at any Council where the King was present, or that it was advised or approved by any Council or committee of Council.* *Agreed to.* Then the 6th and 7th heads were agreed to be left out, and further consideration adjourned till to-morrow. MS. Min. L. J., XVI. 625.

On 18 March *Moved* to consider of the adjourned debate yesterday upon consideration of the Treaty of Partition, that there were not powers given to the plenipotentiaries. Milan [h]as to belong to King [of] France by papers from France. *Agreed* to desire E. Portland and E. Jersey to attend. The House went on [with] the business of the day, pursuant to the Order of yesterday, concerning Treaty of Partition. *Proposed* that since it appears there were powers, dated 1st July, to treat with the Emperor the Dutch and French Ministers for securing the mutual friendship upon terms most suitable to their circumstances at that time; and we are informed accordingly there was some progress made in that negotiation; but afterwards there were new powers granted 1 Jan. to treat with the French and Dutch Ministers only for the partition of the Spanish monarchy and the Treaty concluded without the Emperor. After debate, the *Question* was put, Whether the paper now read shall be one of the heads whereof the Committee shall make mention in the drawing the Address? *Resolved* in the negative. Several Lords protested. It was taken notice that there was mention made in a printed book, [entitled] The Capit[ul]ation of France, of the French King's having Milan. *Moved* that the Committee be appointed to meet to-morrow to draw the Address. *Proposed* to advise the King [that he] should never treat with this King [of France] with any paper treaty, but have matters of fact for the future. That it appears that the French King, his acceptance of the Will of the King of Spain, is a manifest violation of the Treaty, and humbly to advise the King that in all future treaties with France he do not depend upon paper treaties only, without better security. The *Question* was put, Whether the debate upon this matter shall be adjourned? *Resolved* in the negative. Contents 31, Not Contents 38: Tellers, E. Feversham, L. Ferrers. MS. Min. The paper was read, and, after some alterations had been made, it was agreed to be a head for the Address, although several Lords again protested. L. J., XVI. 626. *In extenso.*

On 19 March, at the Select Committee, E. Nottingham in the Chair, the heads agreed to by the House for an Address are read. A draft of

* These words are practically identical with heads 4 and 5. *See* L. J., XVI. 623.

an Address was read entire and aftewards by paragraphs, agreed to, and ordered to be reported. Com. Book. On 20 March the Address* was reported and agreed to by the House with one little amendment at the beginning. There was a division and the proposal to communicate it to the Commons for their concurrence was negatived. Contents 27, Not Contents 45: Tellers, E. Stamford, E. Nottingham. MS. Min. On 24 March, the day appointed by the King for receiving the Address from the whole House, the House, before adjourning, agreed to meet at Kensington. MS. Min. On 28 March 1701 *Moved* that there is some mistake in the entry of 17th March last upon the Partition Treaty—some things were left out of the matters of fact reported from the Committee in the Journal. *Ordered* Committee [of the] Journal to inspect the entry presently, and ten Lords added to the Committee. L. J., XVI. 636.†

On 1 April the Commons desired a Conference upon matters relating to the Treaty of Partition. L. J., XVI. 641. The Conference was held and reported the next day. *Ib.*, 642. The House then went into consideration of this Report. *Moved* to appoint a Committee to consider what is fit to be communicated to the House of Commons in this case. The Journal of 14 March read. 15 March read, and the Protestations also, 17, 18, 20 and 22 March read. Notice taken that the Commons have copies of the Journal. Though there is notice in the Journal of powers to the plenipotentiaries, which powers they have not. *Proposed* that those powers be communicated to the Commons. *Agreed* that copies of the powers given to the E. Portland be communicated to the Commons. *Moved* that the Lord in the Chair of the Committee inform the House of what was told at the Committee appointed to draw the Address. *Proposed* that the Lords of the Committee assist the Lord that was in the Chair to put in writing what was said at the Committee by E. Portland. *E. Portland* heard [as to] what he said at the Committee, and he repeated it out of a paper which he collected yesterday upon the reports he heard. *E. Nottingham* acquaints the House with what E. Portland said at the Committee. *Several Lords Committees* were heard as to what they remember the E. Portland said. *E. Portland* wishes he had the coun[terpart] of the letter. No person keeps private letters. *Proposed* to consider whether any paper shall be sent down of what was said at a Committee. *Moved* to adjourn the debate upon the Report of the Conference had this day with the Commons. Debate adjourned till to-morrow. MS. Min.

On 3 April the Order was read for resuming the debate. There is then the following expunged entry in MS. Min. The E. Portland offered and read some paper to the House, being, as he remembers, what he said at the Committee. This paper was read by the Clerk. L. J., XVI. 643. *In extenso.* *Moved* to send for a Conference and communicate the powers and this paper delivered [by E. Portland]‡ to the Commons. After debate, *Proposed* Lords Committees [be] appointed to draw upon the debate what shall be added to the paper read. The *Question* was put, Whether the paper that has been read shall be communicated to the House of Commons? *Resolved* in the affirmative. Some words proposed to be added to the paper to be communicated to the Commons, viz.:—That some Lords think they remember. Then

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* L. J., XVI. 628, 629. *In extenso.*

† In the Journal E. Bradford's name is included amongst those of the Peers added to this Committee. In the MS. Min. the name of the Bishop of Oxford is inserted; E. Bradford's name does not occur.

‡ These words are expunged.

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follows an expunged entry, viz.:—The L. Portland asked if the Lord Somers' name was in the letter he received from Mr. Secretary Vernon. His Lordship says, if there had been any such thing in the letter, he had deceived the House if he had not put it in the paper. MS. Min. For this entry rather different entries were substituted. L. J., XVI. 643.

On 9 April, in Select Committee, the agreement of the House of the 2nd instant, that the powers given the E. Portland to negotiate, &c., was read out of the Journal. The paper delivered into the House by the E. Portland on the 3rd instant was read out of the Journal, as was also the question asked his Lordship by the L. Somers, and the answer thereto; and copies of the said powers, as likewise the said Earl's paper, with the said question and answer were ordered to be transcribed to the end they may be delivered the Commons at a Conference. Com. Book.

On 10 May the House went into consideration of the translation of States General letter to his Majesty 13 May 1701. L. J., XVI. 674–5. *In extenso.* Thanks to the King for the letter. To advise his Majesty to enter into a league offensive and defensive with Holland, and to make such other alliances as may secure the balance of Europe and for hindering too strict a union between France and Spain, and securing the Protestant religion. *Ordered* that a Committee draw the Address. MS. Min. L. J., XVI. 677.

The papers are as follows:—

(a^1) 26 Feb. Treaty of Defensive Alliance between England and Holland, with separate articles. *Signed* at Westminster, on 3 March 1677–8. Finch C., Danby, Arlington, H. Coventry, J. Williamson, Benninghen. *French Text.* Printed at length, with some inaccuracies, in a work entitled "Recueil des Traités de Paix, d'Alliance, de Commerce, et d'autres Actes Publics, &c., &c.," published in Amsterdam in 1700, Vol. IV., pp. 380–1. *Endorsed* (1.) Delivered by L. Chamberlain this day. L. J., XVI. 608. [The translation (*see* next paper) was read on 12 March.]

(a^2) 26 Feb. Translation of preceding, as follows:—

Whereas, the Most Serene King of Great Britain, besides the strict engagements he is already entered into with the States General of the United Provinces, for the preservation of the Spanish Netherlands and the support of the common interest of this part of Europe, is very desirous to come at the same time into a perpetual defensive league with the said States, for the mutual preservation of each other, their subjects and countries, against all those that should undertake to attack them, or molest or injure them, in any wise whatsoever. And the said States being likewise desirous, on their part, to enter into the said perpetual alliance of a defensive treaty with his Majesty, have given power to Mr. Van Benninghen, their Ambassador with his said Majesty, to treat and conclude the said alliance, his said Majesty having named on his side for Commissioners, Heneage, Baron Finch, Lord High Chancellor of England, Thomas, Earl of Danby, Lord High Treasurer of England, Henry, Earl of Arlington, Lord Chamberlain of his Majesty's household, Henry Coventry, Esq., and Sir Joseph Williamson, Knt., his Majesty's Principal Secretaries of State; the said Commissioners and the said Ambassador after several meetings and conferences, have, by virtue of their respective powers, copies whereof are inserted at the end of these presents, agreed and concluded that which follows:—

(1.) There shall be for the future, between the King and his successors, Kings of Great Britain and his kingdoms, on one, and the

States General of the United Provinces on the other side, their states and territories belonging to them and their subjects reciprocally, a sincere, firm and perpetual friendship and good correspondence, as well by sea as by land, in all things and everywhere, both without and within Europe. 1700–1701. — No. 1599.

(2.) Moreover, there shall be between his Majesty and his successors, Kings of Great Britain, and his kingdoms, and the said States General and their states and territories belonging to them, a strict alliance and faithful confederation for the mutual preservation and maintenance of each other in tranquillity, peace, amity and neutrality, by sea and by land, and in possession of all the rights, privileges and liberties they enjoy, or have right to enjoy, or which they have acquired or shall obtain by treaties of peace, amity and neutrality heretofore made, or which shall hereafter be made, jointly and in common concert with other kings, republics, princes and cities, yet all this within the extent of Europe only.

(3.) And, therefore, they both promise and oblige themselves to keep not only all the treaties which his Majesty and the said States General have already made with other kings, republics, princes and states, which shall be exhibited by both parties before the exchange of the ratifications, but also all those which they shall make hereafter jointly and in common concert, and to defend, assist and maintain one another reciprocally, in the possession of their countries, cities and places which at present belong, or hereafter shall appertain, as well to his Majesty and his successors, Kings of Great Britain, as to the said States General by the aforesaid treaties in whatsoever part of Europe the said countries, towns and places are situated, in case that in what is above mentioned, his Majesty or the said States General shall be disturbed or attacked by any hostility or open war, by whom or upon what pretence soever.

(4.) The reciprocal obligation to assist and defend each other is likewise understood, for preserving and maintaining his Majesty and the said States General, their countries and subjects, in all their rights, possessions, immunities and liberties, as well of navigation and commerce, as in all other respects both by sea and land, which shall belong to them by common right, or which they shall acquire by treaties made, or to be made, as aforesaid, against all kings, princes, republics or states; so that if in prejudice of the said tranquillity, peace, amity and neutrality, present or future, his Majesty or the said States General shall hereafter be attacked or in any other manner whatsoever disturbed, in the possession of the dominions, territories, towns and places, rights, immunities and liberties of commerce, navigation, or otherwise which his Majesty or the said States General enjoy at present, or shall have right to enjoy by the common law, or by treaties already made, or which shall be made as aforesaid, his Majesty and the States General, having notice thereof and being desired one by the other, shall jointly do their utmost to stop any disturbance or hostility, and to procure satisfaction for the wrong and injuries done to one of the allies.

(5.) And, in case the said attack or disturbance should be followed by an open rupture, he of the two allies that shall not be attacked shall be obliged to break two months after the first request of the ally that shall already be in the rupture, during which time he shall do his endeavours, by his ambassadors or other ministers, to mediate an equitable agreement between the aggressor or disturber and the attacked or disturbed, and notwithstanding shall, in the meantime, give a strong succour to

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his ally, such as shall be agreed on by some separate articles between his Majesty and the said States General, which, though there be no mention made of them in the present article, shall be kept and observed as if they were therein inserted and written. However, after the expiration of the said time of two months, it shall be left to the choice of him of the allies that shall be in the rupture, to continue to enjoy the advantage of the said succour, in case the conjuncture of the time and the state of his affairs make him to prefer the effect thereof before that of an open rupture of his ally.

(6.) The reciprocal guarantee being in this manner settled and promised when either of the allies shall be attacked or disturbed, if the State of the United Provinces comes to be attacked and shall be obliged to enter into an open war, his Majesty shall be likewise obliged to break with the aggressor or disturber, and to employ all his power and all his forces by sea and land and to join them with those of the said States General, when it shall be thought convenient in order to bring the common enemy to an honourable, safe and equitable agreement with Great Britain and the said United Provinces.

(7.) And in this case the forces of his Majesty of Great Britain and of the said States General shall act jointly and separately, according to what shall then be more particularly concerted between his Majesty and the said States General, who together shall advise and resolve upon the most proper ways and means to annoy the common enemy, either by way of diversion or otherwise, to the end, as is aforesaid, that he may the sooner be brought to an agreement.

(8.) The same that is contained in the two articles, which do immediately precede this, shall be performed by the said States, in case England shall be attacked or disturbed in the manner aforesaid.

(9.) When once the war is begun by both allies, according to the present Treaty, neither of the allies shall make any cessation of arms with him that is declared and owned for an enemy, unless jointly and by common consent.

(10.) If it should happen that a negotiation should be entered upon, either to treat of a peace or a truce for some years, the same shall not be commenced by either of the allies without the participation of the other, and without his procuring at the same time, and as soon as to himself, the liberty and security requisite and necessary for sending his Ministers to the place of treaty, as also shall communicate constantly, and from time to time, all that shall pass in the said negotiation. And neither the one nor the other shall come to a conclusion of the said peace or truce, without comprehending therein his ally, and restoring him, if he desires it, to the possession of his country, territories or places, and to the enjoyment of the rights and immunities which he held and enjoyed before the war, and without stipulating with the common enemy for this ally the same rights, immunities, exemptions and privileges as for himself, unless it shall be otherwise agreed between the allies.

(11.) It shall be permitted to him of the allies that shall be attacked, to raise all sorts of men fit for war in the dominions of the other, to serve in their land armies, provided it be done by capitulations such as both parties shall agree upon between themselves.

(12.) The ratification of this present Treaty shall be given in due form, and exchanged on both sides within the space of four weeks from the signing hereof.

In Witness whereof, the said Commissioners and the said Ambassador have signed and sealed these presents. Done at Westminster, the 3rd March, 1677–1678.

FINCH, C. (L.S.) BENNINGHEN (L.S.)
DANBY (L.S.)
ARLINGTON (L.S.)
H. COVENTRY (L.S.)
J. WILLIAMSON (L.S.)

SEPARATE ARTICLES.

(1.) If the case, mentioned in the 5th article, shall happen, the said King and his successors and the said States General shall be obliged mutually to assist each other as often as they are attacked or disturbed, as it is more at large expressed in the said article, with succour, viz: his Majesty of Great Britain, the States General with 10,000 foot, and the said States General his Majesty with 6,000, well armed, under such regiments, companies, colonels and other officers, as his said Majesty and the said States shall think fit and judge most proper for such an assistance; and with twenty men-of-war, well equipped and provided. And the said succour shall be delivered and maintained at the cost of him that sends the same for the service of him that shall be attacked.

(2.) If the necessity of affairs makes it judged and acknowledged that the succour promised and granted ought to be augmented, the said King and States General shall use their endeavours to agree about it.

(3.) The succour which shall be sent, shall be wholly under the command and order of him to whom it is sent, to make use thereof and carry them to such places as he shall think fit, by water and land, in the field, at sieges for the guarding of places and wheresoever his necessity or advantage shall require. In Witness whereof, the Commissioners of the King of Great Britain and the Ambassador of the States General have signed and sealed these separate articles. Done at Westminster, the 3rd of March, 1677–8.

FINCH, C. (L.S.) BENNINGHEN (L.S.)
DANBY (L.S.)
ARLINGTON (L.S.)
H. COVENTRY (L.S.)
J. WILLIAMSON (L.S.)

Endorsed (2). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 619.]

(b^1) 26 Feb. Renewal of treaties between England and the States General of the United Provinces. *Signed* at Windsor, on 17th August, 1685. Rochester, Halifax, Sunderland, Middleton, Baron de Wassemaer Duvenvoirde, Arnout van Citters, De Weede. *Latin Text.* Printed, with some variations and inaccuracies, and with the omission of the first paragraph, down to "Whereas" (*see* next paper) in Du Mont's Corps Diplomatique, Amsterdam, 1731, Vol. VII., Part II. pp. 110–1. *Endorsed* (3). [Delivered this day. The translation (next paper) was read on 12 March. L.J., XVI. 608, 619].

(b^2) 26 Feb. Translation of preceding, as follows:—

James the Second, &c. We are willing to make appear to all and singular whom it does or may any way concern, that whereas the High and Mighty Lords, the States General of the United Netherlands, desiring to renew and confirm friendship with us, have sent to us

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Ambassadors Extraordinary, Commissioners being likewise appointed on our part, and armed with full power, copies of which powers on both sides are inserted at the end of these presents, an agreement was made and concluded, the 17th day of August, in the Royal Castle of Windsor, in the manner following:—

Whereas the High and Mighty Lords, the States General of the United Netherlands, have signified that they earnestly desire that all the treaties which have been made at divers times and places, which shall be hereafter particularly named, between the Most Serene and Potent Prince, Charles the Second, late King of Great Britain, of glorious memory, and them the States General, which still subsist, relating as well to the peace and good understanding between the British Crown and the Government of the United Netherlands and subjects of both States may be continued and confirmed anew, and to that purpose have sent hither their Ambassadors Extraordinary, James, Baron of Wassemaer and Duvenvoirde, Ver Schooten, Veur, &c. Arnold de Citters, late Councillor in the Supreme Court of Holland, Zeeland and West Friesland, and the said States General's Ordinary Ambassador to the Most Serene King of Great Britain, and Everard de Weede, Lord of Dyckvelt, Rateles, &c., and have appointed them their Commissioners and Deputies for this business, and have armed them with full authority and power. The Most Serene and Potent Prince, James the Second, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c., being moved with the like desire of continuing and observing the ancient friendship between the two said Nations, and increasing it by any agreement and conditions which may be advantageous to both parties, has named for his Commissioners, armed with the like authority and powers, his right trusty and right well beloved Cousins and Counsellors Lawrence, Earl of Rochester, High Treasurer of England, George, Marquess of Halifax, President of the Privy Council, Robert, Earl of Sunderland, one of the Principal Secretaries of State, and Charles, Earl of Middleton, the other Principal Secretary of State; and the said Commissioners and Deputies, as well those appointed by the Most Serene King of Great Britain as by the States General, having met several times and conferred together concerning the premises, have, according to the authorities and powers given them by either party, copies whereof are inserted at the end of these presents, agreed and concluded, that all and every the Treaties here recited and named:—

1. The Treaty of Peace and Confederacy, concluded at Breda, $\frac{21}{31}$ July, in the year 1667.
2. The Treaty of Navigation and Commerce, made at the same place, and the same day.
3. The Treaty of Peace and Friendship, concluded at Westminster, $\frac{9}{19}$ February, in the year $167\frac{3}{4}$.
4. The Marine Treaty, concluded at London, 1st December, 1674, together with a Declaration whereby certain articles of the said Treaty, as also of the Marine Treaty, made $\frac{7}{17}$ Feb., in the year $166\frac{7}{8}$, are more fully explained, which was concluded at the Hague, $\frac{20}{30}$ December, 1676.

5. An Act for preventing or composing amicably controversies between the English and Dutch Companies trading to the East Indies, concluded at London, $\frac{8}{18}$ March, in the year 1674[–5].

6. The Defensive League, concluded at London, 3rd March, $167\frac{7}{8}$.

And all and singular the articles contained in those Treaties, or any of them shall from henceforth continue for ever, shall be confirmed and remain in force, in the same sense and to the same purpose as they were at first framed and concluded, and shall have and retain the same vigour and force as they ought to have had before, or as was thought they should have had, and that in as ample form and manner as at first they were framed and concluded, and as if every one of those Treaties and every article of them were word for word repeated and inserted in these presents.

(2.) That the abovementioned Most Serene King of Great Britain and the aforesaid High and Mighty Lords, the States General of the United Provinces, shall observe sincerely and *bonâ fide*, all and singular the heads agreed and confirmed in all and every the Treaties recited and named in the foregoing article, and shall cause them to be observed by their subjects and people, and shall not directly or indirectly do anything to the contrary themselves, or suffer anything to be done to the contrary by their subjects or people, and that they shall ratify and confirm by Letters Patent, signed with their own hands and sealed with their respective Great Seals, the confirmation of all and singular the Treaties aforesaid now agreed and concluded by the Commissioners and Deputies on both sides, to be devised and drawn up in a sufficient, valid and effectual form, and they shall deliver or cause the same to be delivered *bonâ fide*, really and truly within four weeks after the date of these presents, or sooner, if it may be. Done in the Royal Castle of Windsor, the 17th day of August, in the year 1865.

(L.S.) ROCHESTER.	(L.S.) BARON DE WASSEMAER DUVENVOIRDE.
(L.S.) HALIFAX.	(L.S.) ARNOUT VAN CITTERS.
(L.S.) SUNDERLAND.	(L.S.) DE WEEDE.
(L.S.) MIDDLETON.	

Endorsed (4). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 619.]

(*c*) 26 Feb. Renewal of the Treaties of Alliance between England and Holland. *Signed* at Westminster, on 24 August, 1689. Carmarthen, P., Halifax, C. P. S., Shrewsbury, Nottingham, Wharton, A. Schimmelpenning vander Oije, N. Witsen, W. de Nassau, Arnout van Citters, E. de Weede. *French Text.* The articles of this Treaty are printed, with some variations and inaccuracies, in Du Mont, Vol. VII., Part II., pp. 236–7, where, however, the date is Whitehall, in the month of August, 1689, instead of as above. *Endorsed* (5). [Delivered this day. The translation (next paper) read on 12 March. L. J., XVI. 608, 619.]

(*c*²) 26 Feb. Translation of preceding, as follows:—

Whereas after several breaches of the peace on the part of France, the Most Serene King of Great Britain and the High and Mighty Lords of the States General of the United Provinces of the Low Countries, are jointly entered into a war against the Most Christian King, and the said Lords, the States General, having

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sent the Sieurs, Alexander Schimmelpenning Vander Oije, Lord of Engelenburg, Grand Bailiff and Dijckgrave of the city and mayoralty of Boisleduc, Nicholas Witsen, Burgomaster, Councillor and Treasurer of the city of Amsterdam, William de Nassau, Lord of Odijck, Cartgine, Seijst, Drijbergen and Blickenburgh, First Nobleman and representing the Nobility in the Assembly of the States and in the Council of the Province of Zeeland, Arnold van Citters, formerly their Ambassador in Ordinary in England, and Everhard de Weede, Lord of Weede, Dyjckveldt, &c., their Ambassadors Extraordinary to his Majesty of Great Britain, and having shewed their desire by the said Ambassadors, not only to confirm all the treaties of amity and alliance which are subsisting between the Crown of England and the said States General, but also to enter into other engagements of stricter alliance with his said Majesty, for the maintenance and reciprocal preservation of their subjects, countries and states, and to reduce the Most Christian King to a just and reasonable peace, which may restore and confirm the quiet and tranquillity of Europe. And as the said States General have given power to the said Ambassadors Extraordinary to treat and conclude the said Treaty, his Majesty being of the same mind, and willing to concur in that design, has named for Commissioners on his side, Thomas, Marquess of Carmarthen, President of his Privy Council, George, Marquess of Halifax, Keeper of the Privy Seal, the Earl of Shrewsbury and the Earl of Nottingham, his Majesty's Principal Secretaries of State, and Thomas Wharton, Esq., Privy Councillor and Comptroller of his Majesty's household. The said Commissioners and the said Ambassadors after several meetings and conferences, have, by virtue of their respective powers, copies whereof are inserted at the end of these presents, agreed and concluded that which follows :—

(1.) There shall be for the future between the King of Great Britain, and his successors, Kings of Great Britain, and their kingdoms on one side, and the States General of the United Provinces on the other, and their dominions, territories and subjects reciprocally, a sincere, firm, and perpetual amity and good correspondence both by sea and land, in all things and in all places, as well without as within Europe.

(2.) And, for the better security of his friendship and good correspondence, and to remove all difficulties that may arise between both parties upon what pretence soever, it is agreed and covenanted between the said King of Great Britain and the said States General, that all Treaties of peace, friendship, alliance, and confederacy of commerce and marine, hereafter named and mentioned, shall be approved of and confirmed on both sides.

The Treaty of Peace and Alliance, concluded at Breda, the $\frac{21}{31}$ July, 1667. The Treaty of Navigation and Commerce, concluded at the same time and in the same place.

The Treaty of Peace and Amity, concluded at Westminster, the $\frac{9}{19}$ February, $167\frac{3}{4}$.

The Treaty Marine, concluded at London, the first October, 1674, with a declaration explaining several articles of the said Treaty, as also of the Marine Treaty of the $\frac{7}{17}$ February, $166\frac{7}{8}$, concluded at the Hague, the $\frac{20}{30}$ December, 1675.

An article for preventing and composing the disputes which may happen between the East India Companies of England and Holland, concluded at London, the $\frac{8}{18}$ March, $167\frac{4}{5}$.

The Defensive League, concluded at Westminster, the 3rd March, $167\frac{7}{8}$.

The Treaty of Concert relating to the English and Holland Fleets, concluded at Whitehall, the 29th April, 1689.

The Treaty for prohibiting commerce with France, concluded at Whitehall, the $\frac{12}{22}$ August, 1689.

Whereas the said Treaties and all and every the articles of them are effectually approved of and confirmed by this present Treaty, and shall remain in their first force and virtue as if they were here inserted word for word, as far as they do not contradict or derogate one from the other, or from this present Treaty, so that the points and matters stipulated by a later Treaty shall be fulfilled in the sense then agreed upon, without any regard to an ancienter treaty.

(3.) Moreover, there shall be betwixt his Majesty and his successors and the said Lords States General and their subjects and inhabitants reciprocally, a firm alliance and faithful confederacy, mutually to preserve and maintain each other in tranquillity, peace, friendship and neutrality by sea and land, and in possession of all rights, franchises and liberties that they enjoy or have right to enjoy, or which are required for them, or that they shall acquire by treaties of peace, friendship and neutrality which have been heretofore made, or shall be hereafter made jointly and by a common consent with other kings, republics, princes and cities, but all within the extent of Europe only.

(4.) And thus they promise and oblige themselves to maintain reciprocally, not only all the treaties which his Majesty or his predecessors and the said States General have already made with other kings, republics, princes or states which shall be exhibited on each side before the exchange of the ratifications, but also all those which they may make hereafter jointly, or by common consent and to defend, assist and preserve each other in the possession of the lands, cities and places which at present belong, or hereafter may belong as well to his Majesty and his successors, Kings of Great Britain, as to the said States General by the said treaties in what place soever the said lands, cities and places are situated, in case that in anything abovementioned his Majesty, or the said Lords States General should be troubled or attacked by any hostility or open war by any one, or upon any pretence whatsoever, in which case they shall act on each side, according to what is agreed upon in the above said Treaty, concluded the 3rd day of March, $167\frac{7}{8}$.

(5.) And whereas the said King of Great Britain and the said States are at present in war against the Most Christian King and as the said King of Great Britain and States General are under a reciprocal obligation to assist, defend, maintain and preserve mutually each other, their countries and subjects in their possessions, immunities and liberties as well of navigation as commerce and other rights whatsoever both by sea and land, against all kings, princes and states and particularly against the said Most Christian King. And for the better attaining to a just and reasonable peace, which may re-establish the

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quiet and tranquillity of Europe. It is agreed between the said King of Great Britain and the said States, there shall not any suspension of arms, truce or peace be agreed on between any of the said allies and the Most Christian King, or any other king, prince or state whereby either of the said allies may be molested or attacked, but jointly and by common consent.

(6.) And whereas the said King of Great Britain and the said States General have already entered into a treaty of concert for the employing their forces this year against the said Most Christian King; it is determined and resolved, that they shall speedily agree upon other articles and conditions in relation to the number and employing of their troops and men of war, in such manner as shall be thought most convenient to act with better success against the common enemy.

(7.) It is further agreed between the said King of Great Britain and the said States, that if after a peace is made with the Most Christian King jointly and with common consent as it is above-mentioned, either of the parties shall be attacked afresh by the Most Christian King, or if either of the parties shall be attacked by any other king, prince or state, in such case the Treaty of Alliance and Guarantee abovementioned, concluded the 3rd day of March, in the year 1677–8, betwixt the Crown of England and the said States, which is also approved of and confirmed by this present Treaty, shall subsist then in its utmost extent and shall be executed in all its points and articles, as if the same or a like treaty had been made anew, and since the conclusion of the peace with the said Most Christian King, with this variation only, that the war happening in the case mentioned in the fourth article of this Treaty, none of the said allies shall make any suspension of arms, truce or peace with the said Most Christian King or other aggressor, but jointly and by common consent.

(8.) In this present Treaty shall be comprehended all kings, princes and states who shall be willing to enter into it, before the exchange of the ratifications, or within six months after, with the common consent of his Majesty and the said States.

(9.) The present Treaty shall be ratified and approved of by the said King and the said States and the letters of ratification shall be delivered by the one and the other in good and usual form within the term of six weeks, or sooner if possible, to be reckoned from the day of the signing hereof.

In Witness whereof his Majesty's above-mentioned Commissioners and the Ambassadors Extraordinary aforesaid, by virtue of their respective powers, have signed these presents in their ordinary manner of signing, and have caused their coat of arms to be set thereto. Concluded at Westminster, the 24th day of August 1689.

(L.S.)	CARMARTHEN.	(L.S.)	A. SCHIMMELPENNING VANDER OIJE.
(L.S.)	HALIFAX, C.P.S.	(L.S.)	N. WITSEN.
(L.S.)	SHREWSBURY.	(L.S.)	W. DE NASSAU.
(L.S.)	NOTTINGHAM.	(L.S.)	ARNOUT VAN CITTERS.
(L.S.)	P. WHARTON.	(L.S.)	DE WEEDE.

Endorsed (6). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L.J., XVI. 608, 619.]

(d^1) 6 March. Ratification du Traité de Ryswick. *Signed* at Fontainebleau on 3 Oct., 1697, by Louis, par le Roi, Colbert. *French Text.* The first paragraph, down to the tenor of the Treaty, is printed in Du Mont, Vol. VII., Part II., p. 403, and King William's counterpart, in Latin, on pp. 399–401. *Endorsed* (2). Delivered by

L. Chamberlain, 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 614, 619.]

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(d^2) 6 March. Translation of preceding, as follows :—

Lewis, by the grace of God, King of France and Navarre, To all who shall see these presents, Greeting. Whereas, our beloved and faithful Councillor of State in Ordinary, Nicholas Augustus de Harlay, Chevalier, Lord of Boneuil, Count of Cely, our dear and well beloved Lewis Verjus, Chevalier, Count de Crecy, Marquess of Troon, Baron of Couvay, Lord of Boulay, the two Churches, Fort Isle and Menillet, and our dear and well beloved Francis de Callieres, Chevalier, Lord of Rochechellay and Gigny, our Ambassadors Extraordinary and Plenipotentiaries, by virtue of the full powers which we had given them for that purpose, have concluded, made and signed at Ryswick, the 20th day of September last, with Thomas, Earl of Pembroke and Montgomery, Baron Herbert of Cardiff, Lord Keeper of the Privy Seal of England, Privy Councillor to our most dear and most beloved brother the King of Great Britain, and one of the Lords Justices of England, Edward, Viscount Villiers of Dartford, Baron of Hoo, Knight Marshal of England, and one of the Lords Justices of Ireland, Robert, Lord Lexington, Baron of Everham, Gentleman of the Bedchamber to his Britannic Majesty, and Sir Joseph Williamson, Knight, Privy Councillor to his said Britannic Majesty, Keeper of the Paper Office, Ambassadors Extraordinary and Plenipotentiaries from our said brother the King of Great Britain, in like manner provided with full powers from him, the Treaty of Peace, whereof the tenor is as follows :—

To all in general and every one in particular who are, shall or may be interested therein any way whatsoever, Be it known that the war being unhappily kindled between the Most Serene and Most Potent Prince, Lewis the Fourteenth, by the grace of God, the Most Christian King of France and Navarre on one part, and the Most Serene and Most Potent Prince, William the Third, by the grace of God also, King of Great Britain, on the other, matters have at last been brought to this point, that through the permission and goodness of God, both on the one side and the other, they have embraced the thought of making peace. And their said Most Christian and Britannic Majesties being animated with the same zeal for stopping the effusion of Christian blood as soon as may be, and speedily re-establishing the public tranquillity, have, in the first place, unanimously, consented to acknowledge the mediation for that end of the Most Serene and Most Potent Prince, of glorious memory, Charles the Eleventh, by the grace of God, King of Sweden, the Goths and Vandals. But his hasty and unexpected death having traversed the hopes all Europe had justly conceived of the happy effect of his counsels and good offices, their said Majesties have thought they could not do better than to continue to acknowledge in the same quality the Most Serene and Most Potent Prince, Charles the Twelfth, King of Sweden, his son and successor, who, on his part, has also continued the same care for the advancement of the peace between their said Most Christian and Britannic Majesties in the conferences that were held for that end at the Castle of Ryswick, in the Province of Holland, between the Ambassadors Extraordinary and Plenipotentiaries named on the one part, and the other, to wit, on the part of his Most Christian Majesty, the Sieur Nicholas Augustus de Harlay, Chevalier, Lord of Boneuil, Count of Cely, Councillor of State in Ordinary to his said Majesty, the Sieur Lewis Verjus, Chevalier, Count of Crecy, Chancellor of State in Ordinary to the

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King, Marquess of Troon, Baron of Couvay, Lord of Boulay, the two Churches, Fort Isle, Menillet and other places, and the Sieur Francis de Callieres, Chevalier, Lord of Callieres, Rochechellay and Gigny. And on the part of his Britannic Majesty, Thomas, Earl of Pembroke and Montgomery, Baron Herbert of Cardiff, Lord Keeper of the Privy Seal of England, Privy Councillor to the King and one of the Lords Justices of England, Edward, Viscount Villiers of Dartford, Baron of Hoo, Knight Marshal of England and one of the Lords Justices of Ireland, Robert, Lord Lexington, Baron of Everham, Gentleman of the Bed Chamber to the King, and Sir Joseph Williamson, Knight, Privy Councillor to his said Majesty and Keeper of the Paper Office; who, after having implored the Divine assistance, and communicated to each other their respective full powers, copies whereof shall be inserted word for word at the end of this Treaty, and having duly exchanged the same by the intervention and mediation of the Sieur Nicholas, Baron Lillieroot, Ambassador Extraordinary and Plenipotentiary from his Majesty the King of Sweden, who has acquitted himself in his office of mediator with all the prudence, all the capacity and all the equity requisite, have to the glory of God's name, and for the good of Christendom, agreed upon the conditions the tenor whereof are as follow :—

(1.) There shall be a universal, perpetual peace, and a true and sincere friendship between the Most Serene and Mighty Prince, Lewis the Fourteenth, the Most Christian King, and the Most Serene and and Mighty Prince, William the Third, King of Great Britain, their heirs and successors, and between the kingdoms, states and subjects of both, and that the same be so sincerely, inviolably and religiously observed, that the one shall promote the interest, honour and advantage of the other, and that on both sides there be a faithful neighbourhood, and that this mutual confidence and friendship may be daily cultivated, strengthened and increased.

(2.) All enmities, hostilities, wars and discords between the said Most Christian King and the King of Great Britain and their subjects shall cease and be abolished, so that on both sides they forbear and abstain hereafter from doing any wrong, injury or prejudice to each other, and from attacking, plundering, molesting or disturbing each other in any manner whatsoever, as well by land as by sea and on fresh waters everywhere, and especially throughout all the kingdoms, territories and dominions belonging to each other, of what condition soever they be.

(3.) All offences, injuries and damages, which the said Kings and their subjects have suffered from each other during this war, shall be forgotten, so that, neither on account of them, or for any cause or pretence whatsoever, neither party or the subjects of either shall hereafter do, cause or suffer to be done, any act of hostility, enmity and molestation or hindrance to the other by himself or others, secretly or openly, directly or indirectly, by colour or right or way of fact.

(4.) And, as the intention of the Most Christian King has always been that the peace should be firm and solid, his Majesty engages and promises for himself and for his successors, Kings of France, not to trouble or disturb any way whatsoever, the King of Great Britain in the possession of his kingdoms, countries, states, lands or governments which his said Britannic Majesty now enjoys, giving for this purpose his royal word not to assist directly or indirectly any of the enemies of the said King of Great Britain, nor to countenance in any manner whatsoever the conspiracies, plots or rebellions which may be carried

on in England, and consequently, without any exception or reserve, not to aid with arms, ammunition, provisions, ships or any other thing by sea or by land, any person whatsoever, who shall pretend to molest the said King of Great Britain in the peaceable possession of the said kingdoms, countries, states, lands or governments under what pretence soever it may be. And in like manner the King of Great Britain on his side promises and engages for himself and his successors, Kings of Great Britain, inviolably and mutually, without any exception or reserve, to do the same in respect to the Most Christian King, his kingdoms, countries, states and dominions.

(5.) The navigation and commerce shall be free between the subjects of both the said Kings, in the same manner they have always been in time of peace and before the declaration of the last war, so that the said subjects may freely and reciprocally go and come with their merchandize into the kingdoms, provinces, marts, ports and rivers of the said Kings, there continue and trade without any molestation or disturbance, and there use and enjoy all liberties, immunities and privileges, which are either established by solemn treaties or granted by the ancient customs of those places.

(6.) The ordinary means of justice shall be open and its course free in all the kingdoms, lands and lordships under the dominion of the said Kings reciprocally ; and their subjects, on either side, shall and may make good their rights, actions and pretensions, according to the laws and statutes of each country, and obtain one against the other, without distinction, all the satisfaction that shall lawfully belong to them.

(7.) The said Most Christian King shall cause to be restored to the King of Great Britain, all the countries, islands, fortresses and colonies in what part of the world soever situated, which the English did possess before the declaration of this present war. And in like manner the said King of Great Britain shall restore to the said Most Christian King, all the countries, islands, fortresses and colonies in what part of the world soever situated which the French did possess before the declaration of this present war; and this restitution shall be made, on both sides, within the space of six months, and sooner, if it can be done. And to that end, immediately after the exchange of the ratifications of this present Treaty, the said Kings shall give to each other reciprocally, or cause to be given and delivered to Commissioners, which they shall depute on either side to receive the same in their name, all acts of session, orders and commands that are necessary, and in such good and due form, as that the said restitution may be fully and effectually executed.

(8.) It is agreed that Commissioners shall be appointed on both sides, to examine and determine the mutual rights and pretensions which each of the said Kings may have to the places situated in Hudson's Bay, which the French took in the time of the last peace, and which were re-taken by the English since the present war, and are, by virtue of the preceding article, to be restored to his Most Christian Majesty, as likewise that the capitulation granted by the English to the commander of Fort Bourbon at the time of its being last taken on the 5th of September, 1696, shall be performed according to its form and tenor; the goods therein mentioned immediately restored ; the commander and others taken in the said fort forthwith set at liberty, if it be not already done ; and the disputes which may remain on account of the performance of the said capitulation, together with the valuation of the goods that cannot be found, shall be adjudged and determined by the said Commissioners, who, in like manner shall have power to treat concerning the settling of the limits and confines of the countries

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yielded and restored on either side by the foregoing article, and of the exchanges which may be found fitting to be made for the common convenience as well of his Most Christian, as [of his] Britannic Majesty. And for this purpose the said Commissioners shall be appointed on both sides immediately after the ratification of this present Treaty; they shall meet at London, within three months to be computed from the day of the said ratification, and shall be obliged entirely to determine all the said difficulties within six months from the day of their first conference. After which, the points and articles whereto they shall have agreed shall be approved by the said Most Christian King and the said King of Great Britain, to have afterwards the same force and effect and be executed in the same manner, as if they were contained and inserted word for word in the present Treaty.

(9.) All letters, as well of reprisals as of marque and countermarque which have hitherto been given out, for what cause, or on what occasion soever, shall be, and be taken to be, null, void and of none effect. And for the future, neither of the said two Kings shall grant any of the like letters against the subjects of the other, unless it shall first appear that there has been a manifest denial of justice, which shall not be reckoned manifest, unless the petition of the person who shall desire letters of reprisal, shall have been first shown and represented to the minister or ambassador residing in that country on the part of the King, against whose subjects the said letters shall be sued for, to the end that within the space of four months he may inform himself of the contrary, or procure that satisfaction be forthwith made to the complainant by the party offending. And, if no Minister or Ambassador from the King, against whose subjects the said letters shall be desired, be there residing, yet they shall not be dispatched till four months are expired, to be reckoned from the day whereof the petition of the person desiring the said letters shall have been presented to the King against whose subjects they shall be desired, or to his Privy Council.

(10.) And, for preventing and cutting off all occasions of complaints, disputes or processes which might arise on account of the restitution pretended to of ships, merchandize or other goods of the same nature, which should be taken or detained on either side after the conclusion and signing of this present Treaty, but before it could possibly be known and published on the coasts and in the countries furthest distant, it is agreed that all ships, merchandize and other the like goods, which shall be seized and taken on either side after the signing of this present Treaty, shall remain without any obligation of recompense to those that shall have seized the same during the space of twelve days immediately after the signing and publication of the said Treaty within the British and Northern Seas, and within the space of six weeks for all prizes taken from the said British and Northern Seas as far as Cape St. Vincent, and from or beyond that Cape as far as the Equinoctial line, as well in the Ocean as in the Mediterranean Sea, or elsewhere, within the space of ten weeks; and lastly within the space of six months beyond the Line and in all places of the world, without any exception, or other, or more particular distinction of time or place.

(11.) But, if it should happen through chance, inadvertency, or any other cause whatsoever, that any of the subjects of either of the said Kings should do or attempt anything by land or by sea or on fresh water, in any part of the world whatever, that may be contrary to the present Treaty, or hinder the full execution thereof, or of any one of its articles in particular, the peace and good correspondence re-established between the said Kings shall not be at all disturbed or taken to

be interrupted on that account, but, on the contrary, it shall remain in its full and primitive force and vigour, only that subject who shall have disturbed the same shall answer for his own particular fact, and shall be punished for it, according to the laws and rules established by the right of nations.

(12.) And, if it happens, (which God forbid), that the misunderstandings and enmities composed by this peace should again be renewed between the Most Christian King and the King of Great Britain, and they should break out into an open war, all the ships, merchandize and moveable goods of the subjects of one of the two Kings, which shall be found to be and remain in the ports and places under the dominion of the other, shall not be confiscated or anywise damaged. But the term of six whole months, to be computed from the day of the rupture, shall be allowed to the subjects of the said Kings, during which they shall and may, without any molestation or hindrance, carry away and transport whither they shall think fit, their goods of the kind here above expressed, and all their other effects.

(13.) For what concerns the Principality of Orange and other lands and lordships appertaining to the King of Great Britain, the separate article of the Treaty of Nimeguen, concluded the 10th of August, 1678, between his Most Christian Majesty and the States General of the United Provinces, shall be fully executed according to its form and tenor, and, in pursuance thereof, all innovations and alterations there which shall be found to have been since made contrary to the said Treaty, of what kind soever they may be, shall have reparation made without any exception. And all decrees, edicts or acts posterior or contrary thereto, in any manner whatever, shall be and remain null and of none effect, so that hereafter nothing of the like nature can be done in respect thereto. And all the said goods shall be restored to the King of Great Britain, in the same condition and manner as he possessed and enjoyed them, before he was dispossessed in the time of the war which was ended by the Peace of Nimeguen, or as he ought to possess and enjoy the same, according to the words and by virtue of the said Treaty. And, for the more effectual preventing and ending without revival all difficulties, troubles, pretensions and processes arisen or that may arise on account of the said goods, the said Kings shall appoint Commissioners on both sides, and shall give them power fully to decide and accommodate all the said differences, as likewise to settle and state according to the declarations that shall be given in to them, the estimate of the restitution which his Most Christian Majesty consents to make, together with all the interest that shall be be lawfully due to his Britannic Majesty from the revenues, profits, rights and advantages, as well of the Principality of Orange as of the other goods, lands and lordships appertaining to his Britannic Majesty in the countries under the dominion of his Most Christian Majesty to the full value of what shall be justly made out to have been kept back from his Britannic Majesty by the orders and authority of his Most Christian Majesty since the conclusion of the Treaty of Nimeguen to the time of the declaration of the present war.

(14.) The Treaty of Peace between the Most Christian King and the late Elector of Brandenburg, made at St. Germains en Laye, the 29th of June, 1679, shall be re-established between his Most Christian Majesty and his present Electoral Highness of Brandenburg, in all its points and articles.

(15.) Whereas it much concerns the public tranquillity that the Peace, concluded between his Most Christian Majesty and his Royal Highness the Duke of Savoy, the 9th of August, 1696, should be

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exactly observed, it has been agreed to confirm the same by this present Treaty.

(16.) Such are to be comprehended within the present Treaty of Peace as before the exchange of the ratifications which shall be made thereof, or within the space of six months after, shall to that end be named on either side, and about which there shall be a mutual agreement. And whereas in the meanwhile the Most Serene and Most Mighty Prince, Lewis XIV., the Most Christian King, and the Most Mighty Prince, William III., King of Great Britain, do gratefully acknowledge the sincere offices and the continual zeal of the Most Serene and Most Mighty Prince, Charles XII., King of Sweden, who, through the Divine assistance, has so mightily promoted the wholesome work of this present Treaty of Peace, and has at last by his mediation brought it to the happiest and most successful end that could be desired by either side, their said Majesties to testify a like affection to him, have by common consent, agreed and resolved that his Sacred and Royal Majesty of Sweden shall be comprised in the present Treaty of Peace in the best form that can be, for all his kingdoms, dominions and provinces, and for all rights that may or can appertain to him.

(17.) Lastly, the solemn ratifications of the present Treaty made in good and due form shall be brought back and exchanged on both sides within the space of three weeks, or sooner, if possible, reckoning from the day when the said Treaty shall be signed at the Castle of Ryswick in the Province of Holland.

And in Witness of all and every the points here above expressed, and to give them so much the more force and a full and entire authority, We Ambassadors Extraordinary and Plenipotentiaries jointly with the Ambassador Extraordinary and Mediator, have signed the present Treaty and set our seals thereto. Made at Ryswick in Holland, 20th September, 1697. *Signed* and *Sealed* Lillieroot, De Harlay Bonnevil [Boneuil], Verjus de Crecy, De Callieres, Pembroke, Villiers, J. Williamson.

We, well liking the above said Treaty in all and every the points and articles therein contained and declared, have, as well for ourselves as for our heirs, successors, kingdoms, countries, lands, dominions and subjects, accepted, approved, ratified and confirmed, and do accept, approve, ratify and confirm the same. And we do promise on the faith and word of a King and under the obligation and pledge of all and every our goods present and to come, to keep and observe the whole inviolably, without doing or acting to the contrary directly or indirectly, in any way and [or] manner whatsoever.

In Witness whereof, we have signed these presents with our hand and have caused our seal to be affixed thereunto. Given at Fontainebleau, the 3rd day of October, in the year of Our Lord 1697, and of our reign the 55th.

LEWIS,
by the King,
COLBERT.

Endorsed (1). Delivered by Lord Chamberlain, 6 March, 1700. Read in the Ho. Peers, 12 Martii, 1700. L. J., XVI. 614, 619.

(e^1) 6 March. Convention between England, Sweden and Holland. *Signed* on 4 May, 1698, at the Hague, by J. Williamson, N. Lillieroot, W. Baron de Heeckeren, Johan vander Does, A. Heinsius, Pr. van Hecke, J. vander Does, H. Sminia, Ar. Lemker, L. Ludolphi. *Latin Text.* Printed, with some trifling clerical errors and the

omission of the names of the Dutch signatories in the preamble, in Du Mont, Vol. VII. Part. II. pp. 440–41. *Endorsed* (3). Delivered by Lord Chamberlain, 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 614–615, 620.] 1700–1701. — No. 1599.

(e^2) 6 March. Translation of preceding, as follows:—

Whereas his Sacred Royal Majesty of Sweden and the High and Mighty Lords, the States General of the United Provinces, by virtue of a separate article for renewal of treaties, made at Stockholm, the 12 February last, have agreed on both sides to use their most effectual endeavours that his Sacred Royal Majesty of Great Britain may enter into such an obligation of stricter friendship and good correspondence with the above-mentioned contracting parties, and a confederacy for their mutual defence, as shall be thought necessary not only for securing the kingdoms, states and dominions of the said parties, but likewise preserving the peace of Christendom; into which confederacy and reciprocal obligation the above said King of Great Britain afterwards declared he would enter. The Ministers, therefore, of the aforesaid Kings and Lords, the States General of the United Provinces, having full power given them to that purpose, viz.: from his Sacred Royal Majesty of Great Britain, the most illustrious and most excellent Lord, Sir Joseph Williamson, Knt., one of his Sacred Majesty's Privy Council, and his Ambassador Extraordinary and Plenipotentiary. From his Sacred Royal Majesty of Sweden, the most illustrious and most excellent Lord, Nicholas, Free Baron of Lillieroot, his Sacred Majesty's Secretary of State and Ambassador Extraordinary and Plenipotentiary to the High and Mighty Lords, the States General of the United Provinces. And from the States General of the United Provinces, the Sieurs, Walraven, Baron of Heeckeren, Lord of Netelhorst, President of the county of Zutphen and Chief President of the city and district of Boisleduc, John vander Does, Senator and President of the city of Gouda, Anthony Heinsius, Councillor and Syndic of the States of Holland and West Friesland, Keeper of the Great Seal, and President of the Fiefs, Peter van Hecke, Lord of Houkerke [Koukerke], Senator of the city of Fleesing, John vander Does, Lord of Bergestein, one of the Knights of the Province of Utrecht, Hessell de Sminia, Deputy to the Assembly of the States of Friesland, Arnold Lemker, Consul of the city of Daventer, Ludolphus Ludolphi, Senator of the city of Groningen, all Deputies in their Assembly, having here, at the Hague, appointed conferences, and after mature deliberation considered that this confederacy is in such a nature that it cannot easily be completed by all parties in so short a time as was proposed to them for finishing this work; they have, therefore, thought fit, upon the commands given them and duly exchanging their respective powers, to enter upon so wholesome a work, and, as a foundation for the same, have for the present agreed upon such a general instrument of alliance as is contained in the following articles:—

(1.) That there shall be a faithful, sincere and constant friendship between his Sacred Majesty of Great Britain, his Sacred Majesty of Sweden and the High and Mighty Lords, the States General of the United Provinces, who, by virtue of this Defensive Alliance, agree to a mutual assertion of each other's security, oblige themseves to promote the advantage, honour and interest of one another, and promise to give timely warning of any councils or conspiracies of others to their prejudice, and by common advice and assistance to defend each other against them.

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(2.) The intent of this Triple Alliance shall be not only a mutual friendship for the defence and security of the aforesaid parties, but the asserting and preserving of the peace and tranquillity of Europe against any assault whatsoever.

(3.) But, that the aforesaid confederates may the better agree upon ways and means for obtaining this end, it is likewise covenanted that certain Plenipotentiaries shall be forthwith named, who, in behalf of the aforesaid Kings, shall enter upon and finish an amendment and renewal of Alliances which have formerly been made between the Crowns of Great Britain and Sweden, as well for establishing a stricter league of friendship, as concerning the trade of the subjects on both sides. Which renewals are not to hinder the ministers of the three allies from forthwith, and without any interruption, entering upon and setting forward the negotiation for adjusting all and everything that is requisite and shall be thought conducing to the entire perfecting of this Triple Alliance.

(4.) But the present general agreement or solid and sincere foundation of the aforesaid Triple Defensive Alliance shall now immediately commence, so that, if it shall happen that any of the kingdoms, states or provinces of any of these confederates, situate in Europe, shall be invaded in a hostile manner, the rest shall assist him with present succour, without any excuse, delay or pretence, nor shall they withdraw their assistance before the injured party has received full satisfaction.

(5.) The contracting parties shall be obliged to communicate their counsels to each other, and especially take such measures among themselves as may confirm and strengthen the general peace; and to that purpose they promise really and effectually to provide for their own safety by mutual assistance against any assault that may disturb the quiet of Europe.

(6.) This Convention shall no ways derogate from the treaties or alliances which have at any time been made between the contracting parties, but they shall rather remain in their full force.

(7.) This Agreement shall be ratified and exchange of the instruments made at the Hague within the space of six weeks, to be reckoned from from the day of the signing of it, or sooner, if possible.

In Witness whereof the aforesaid Plenipotentiaries of the above-mentioned Kings and of the High and Mighty Lords, the States General, have signed and sealed this Act of Alliance, whereof six instruments are made. Concluded at the Hague, the $\frac{4}{14}$ day of May, in the year 1698.

Endorsed Read in Ho. Peers, 12 March, 1700. [Delivered this day. L. J., XVI. 615, 620.]

(f^1) 6 March. Treaty between England and Sweden. *Signed* on 6–16 January, 1699–1700, at the Hague, by N. Lillieroot. *Latin Text. Endorsed* No. (5). Delivered by Ld. Chamberlain 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 615, 620.]

(f^2) 6 March. Translation of preceding, as follows:—

Whereas, the Most Serene and Potent Prince and Lord, Charles XII., King of the Swedes, Goths and Vandals, Great Prince of Finland, Duke of Schonen, &c., and the Most Serene and Most Potent Prince and Lord, William III., King of Great Britain, France and

Ireland, Defender of the Faith, &c., for the demonstration and greater confirmation of a more intimate and mutual amity and sincere friendship, and for the augmenting and promoting the happiness and safety of the said Kings, their kingdoms and subjects, have thought fit that the former treaties, concluded between the renowned Kingdoms of Sweden and Great Britain, and the Kings, predecessors of the aforesaid Kings, shall be reassumed, renewed and amended. Therefore his Sacred Royal Majesty of Sweden, for the perfecting of so wholesome a work, has legally constituted and given sufficient power and instructions to the most illustrious and excellent Lord, Nicholas, Free Baron of Lillieroot, Ambassador Extraordinary and Plenipotentiary of his said Majesty to the States General of the United Provinces and his Sacred Royal Majesty of Great Britain, the most illustrious and excellent Lord, Sir Joseph Williamson, Knt., one of his Majesty's most Honourable Privy Council and his Ambassador Extraordinary and Plenipotentiary, who, after they had met and produced and exchanged their full powers at the Hague and held several conferences for that purpose, and after a mature consideration and examination of things in so weighty an affair, have agreed and consented to take for a basis and foundation the Treaty, concluded at Stockholm the 1st March, 1665, upon condition that forthwith and without any loss of time, a negotiation shall be entered upon at Stockholm by the Commissioners of both parties concerning those things which relate to the commerce of both kingdoms and their subjects, and which make a part of the aforesaid Treaty of 1665; but, as to what concerns the mutual friendship, good correspondence and safety, the said Treaty made in 1665 shall be entirely confirmed and strengthened by this present Treaty, together with some additions and alterations, as by the following articles is more at large provided and concluded:—

(1.) There shall be between his Majesty of Sweden and the Kings, his heirs and successors, on one side, and his Majesty of Great Britain and the Kings, his heirs and successors, on the other, and their respective kingdoms and dominions, provinces, islands, territories, colonies, towns, villages, people, citizens and inhabitants and all their subjects and vassals whatsoever which are now, or hereafter shall be, as well in Europe as out of Europe, in all places both by sea and at land and fresh waters, a sincere, constant and perpetual friendship, alliance and good correspondence, so as that neither of the said Kings shall do any wrong to one another, or either of them to their respective kingdoms, provinces, colonies (wheresoever situate), and subjects, nor consent nor suffer any to be done by others, but shall show to one another a sincere affection and all manner of kindness and good will.

(2.) Both of the allies, their heirs and successors, shall be obliged carefully to cultivate and promote the interest and honour of each other, to discover and give early notice, as soon as it may come to their knowledge, of any imminent dangers, conspirations and hostile contrivances that may threaten either of the confederates, and as much as in them lies, oppose them and prevent and hinder them by their advice and power. And, therefore, neither of the allies shall by himself, or by any other whatsoever act, treat or endeavour any thing that may be to the prejudice or damage of the other, their territories or dominions, in any places by sea and land, nor to favour in the least his enemies or rebels to the detriment of the other ally, nor to admit or receive any rebels and traitors into their countries much less to give or afford them any council, assistance or favour, nor suffer the same to be given them by their subjects, people or inhabitants.

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(3.) And, that the aforesaid friendship and good correspondence may be daily cultivated to greater advantage and for the profit and benefit of both Kings, their kingdoms and subjects, and, that their safety may the better be taken care of and provided for, it is agreed on both sides, that the Most Serene and Most Potent Kings, and the Kingdoms of Sweden and Great Britain, shall be most closely united by a particular Defensive Treaty, as by these presents they are joined in a most firm alliance and oblige themselves to defend each other, their kingdoms, dominions, provinces, states and subjects in the possession of their rights, liberties, navigation and commerce, as well in the Baltic Sea, the Sound and Belt, as in the North Sea, the Western British Seas commonly called the Channel, as also the privileges and prerogatives of either of the confederates, which they claim as well by contracts and allowed customs, as by the law of nations and hereditary rights, against all invaders, aggressors and disturbers by sea and land in Europe, as is more particularly declared hereafter.

(4.) If it, therefore, should happen that his Majesty, the Kings, his heirs and successors, and the Kingdom of Sweden is invaded, infested and disturbed in Europe by any king, prince, state or republic, one rebel or more or any malicious persons, one or more, in the kingdoms, countries, provinces, islands or dominions, as well within as without their kingdoms, as also in the countries in Germany belonging to the Kings and Kingdom of Sweden, as also in the possession of their prerogatives, privileges and independent rights, or shall any other way whatsoever be disturbed and molested in the liberty of navigation and commerce in the aforesaid seas and narrow seas; his Majesty of Great Britain, the Kings, his heirs and successors, shall be obliged, after a previous due demand, to assist the King and Kingdom of Sweden, the Kings, his heirs and successors, against such aggressors, disturbers and rebels, with an army consisting of six thousand foot, upon the conditions and in the manner as hereafter shall be more at large declared.

(5.) In like manner, if it should happen that his Majesty of Great Britain, the Kings, his heirs and successors, and the Kingdoms of Great Britain, should be invaded, infested or disturbed in Europe by any king, prince, state, republic, rebel, one or more, or any malicious person, one or more, in his kingdoms, countries, provinces, islands and dominions belonging to the Kings and Kingdom of Great Britain and the rights thereto appertaining, or any otherwise molested and hindered in the freedom of navigation and commerce in the aforesaid seas and narrow seas, the King of Sweden, the Kings, his heirs and successors, and the Kingdom of Sweden, shall be obliged to assist his Majesty of Great Britain, the Kings, his heirs and successors, after due requisition and demand, with an army consisting of six thousand foot, upon the conditions and in the manner as hereafter shall be specified.

(6.) And, mention being made in the 2nd article of rebel or rebels, both allies have thought it necessary further to explain hereby the said term, viz., That whosoever is declared a rebel or traitor by letter sent by either of the confederates to the other, he of the confederates to whom the letter shall so be sent, shall immediately repute the declared rebel as such, and whatsoever has been agreed on by this Treaty to be done against the rebels of each other shall be put in execution.

(7.) But, before the auxiliary troops are sent, the sufferer shall acquaint the other ally with the violence and injury done him, and then both confederates shall endeavour to persuade the invader or disturber, in a friendly manner, to desist from such violence and injury that it may not be necessary to take up arms. But, if the offender is so obstinate that by a friendly way he cannot be brought to an equitable

agreement, and, therefore, the injured and wronged ally is obliged to have recourse to force in his own defence, in order to prevent any further disturbance, then shall the aforesaid troops be sent without delay, and shall not be withdrawn till entire satisfaction is given to the party offended, because in such case, he that by injuries forces another to stand upon his lawful defence, is to be reputed the aggressor.

(8.) The aforesaid auxiliary forces shall be sent within four months to be reckoned from the first day of the notification given or demand made, or sooner if possible, and that the demandant shall desire it, (although at the same time the ally called upon is employing his good offices in consequence of this Treaty towards a friendly accommodation), and brought into a place where there is a convenient harbour and of easy access, which the demander of the succours shall name, and they shall there be maintained at the charge of him that sends them till a peace is obtained, or as long as he that desires them shall think them useful and necessary for him, yet so as the demander in the meantime shall take care that the said auxiliary forces may have provisions and all other necessaries for food and clothing in his countries at reasonable rates and as his own troops are furnished.

(9.) It shall, however, be left to the choice of either ally, and especially to him that requires the succour, whether he will have the above-mentioned army entire, or only part of it in soldiers or warlike preparation, ammunition, provision, ships and such things as are necessary to fit them out, making an estimate of 4,000 dollars a month for every thousand men as long as the war lasts, and the Commissioners of both parties shall, without delay, fairly agree upon such an estimate.

(10.) But if, by reason of some danger, the auxiliary troops cannot come without opposition to the place where they are to be employed by the demander, both confederates shall be obliged to use their endeavours to facilitate and secure their passage, and the party required shall have leave to put the said troops under the command of an officer of his own, and that they may, as far as the state of the war will permit, remain together in one body, which is to be understood, that they shall not be separated into places too remote one from the other, but the commander or general appointed for the said auxiliary forces, shall in the actions of the war be subject to the military command of the party to whom the succour is sent, or his chief general, and whatever relates to the march of the troops, the method of acting, or any other accidental things whatsoever, shall be so ordered as is usual in war; and, where auxiliary forces are employed, the like shall be observed, if it should happen that ships should be sent in the place of land soldiers, which ships being in the nature of auxiliaries shall be obliged to carry the flag of that party that desires them.

(11.) But, if it should fall out that by reason of the greatness of the danger, the forces agreed on should not be sufficient, as in case the aggressor should receive assistance from some of his confederates, then each of the allies shall be obliged, being beforehand desired in due manner, to succour the party wronged with greater force, such as he can conveniently and safely bring together, both by sea and land, but, in that case, the particular manner of the assistance shall be treated of between the confederates as soon as may be, according to the nature and exigency of affairs.

(12.) It shall be also lawful to either of the confederates and their subjects to bring their men-of-war into each others' ports to winter there, stay and enjoy the immunities and privileges of the said ports; provided that those who are not common enemies be not molested within the ports, or at the entrance of them, whereby trade to the said ports

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might be hindered or destroyed. And the said confederate Kings having reciprocally agreed to enter into a particular negotiation at Stockholm concerning navigation and commerce, the same shall be forthwith proceeded in and concluded there without delay. In the meantime and until the said negotiation be finished, the articles of the Treaty of Alliance, concluded at London, in the year 1661, concerning navigation and commerce shall remain in their full force, as if they were inserted here word for word.

(13.) But those things which are recited in the beginning of the foregoing article, shall in no wise be granted to the enemies of either of the confederates, nor shall it be lawful for the subjects of either of them to give assistance to the enemies of the other, to the prejudice and disadvantage of his confederate, neither shall they serve them in any manner either by sea or land as soldiers or mariners, and this shall be forbidden them under the severest penalties.

(14.) This present Treaty of Alliance, concluded between the Most Serene Kings of Great Britain and Sweden, shall not any way lessen the prerogative, rights and dominions of the seas of either of the confederates, that is to say the dominions of the King of Great Britain in those seas commonly called the British Seas, and the dominion of the King of Sweden in the Baltic Sea, but each of the confederate Kings shall retain all the premises, with all their dependencies for the future, in the same manner as they now do, and shall freely enjoy the same without any molestation, which yet is to be understood on both sides with a saving to this present Treaty of Alliance.

(15.) When the party required shall in the aforesaid manner have sent the succours, or have satisfied his obligation according to this Treaty, it is necessary that care should be taken of him and of his safety, and, therefore, it is agreed on both sides that, if the confederate who sends the succours, which are to be under the command of the demandant, shall be permitted to remain in the condition of an auxiliary, and that by reason of the succours lent, he be not involved himself in the war, no treaty of peace or truce shall be concluded, or even any long cesssation of arms that may be hurtful to the other confederate, shall be made without his being included and secured thereby, but, if by reason of the succours lent, he should be engaged in an open war with the aggressor or any other whatsoever, then neither of them shall, without the advice and consent of the other, enter into any preliminary or principal treaty with the enemy or enemies, but all things shall be done and treated by joint negotiation, communication and council, until a sufficient security and due satisfaction be fully given by common consent to each of the confederates. In the first place, that confederate who was first engaged in the war shall not be permitted to change the war for peace, before the other confederate, who, by virtue of the Treaty of Alliance has given assistance to his confederate, be indemnified in all things by the enemy, or at least fully restored to his former state which he enjoyed or of right ought to have enjoyed, before the war began, in case his state and condition had suffered any detriment from the enemy or by the ensuing war.

(16.) This condition is expressly added to what is aforesaid concerning the giving assistance at the request of the confederate, that, if it happen that either of the confederate Kings being called upon shall be engaged in a war against the common enemy or be attacked by any other neighbouring king, prince, or state in his own kingdoms and provinces, so as the person required takes the same for a real war, for diverting of which the demandant himself would otherwise by virtue of this Alliance be obliged to send succours, then the other confederate

who is so attacked shall not only be freed during that invasion with which he is oppressed from giving the promised succours, but also, if any of his auxiliary troops have, at the request of the other confederate, been sent before the invasion, he may, after notice thereof three months before, recall them for the defence of himself and his kingdoms.

(17.) And, although the confederates are obliged to send succours to each other in the manner before mentioned, yet that obligation shall by no means be extended so far as that therefore all friendship and mutual commerce with the enemies of the other confederate and their subjects should be immediately broken off and prohibited. For the case happening that one of the confederates, although he has upon notice given sent his succours, should not himself be involved in the war, his subjects and people shall have the freedom of trade and navigation with the enemies of that confederate who is in war, and they shall be likewise permitted to carry directly to the enemy with safety, all sorts of goods that are not expressly prohibited and called contraband as shall be agreed more particularly in a special treaty of commerce hereafter to be made.

(18.) And whereas it seems necessary, for preserving the freedom of navigation and commerce in the Baltic Sea, that there should be a firm and strict friendship and agreement between the Most Serene and Powerful Kings of Sweden and Denmark, and that the aforesaid Kings of Sweden and Denmark, of glorious memory, who reigned at that time, did not only reciprocally oblige themselves by the public convention of peace, made in the camp before Copenhagen, the 27th May, 1660, and by the ratifications thereof exchanged on both sides faithfully and inviolably to observe all and every the articles and clauses comprehended in the said conventions, but also did declare a little before the Treaty of Alliance between England and Sweden, concluded in the year 1665, to the Most Serene and Powerful Prince, Charles II., King of Great Britain, of glorious memory, then reigning, that they would sincerely and *bonâ fide* stand to the conditions, and all and every the articles of the pacification often before mentioned, and that they would not in the least recede from the tenor of the said conventions, which was the occasion that the aforesaid King of Great Britain, Charles II., with the will and consent of both the said Kings of Sweden and Denmark, did include the aforesaid conventions, made at the camp near Copenhagen, the 27th May, in the year 1660, with all and every the articles, parts and clauses of those conventions, in a special instrument of guarantee, a little after the conclusion of the Swedish and English Treaty of Alliance, made the 1st day of March, 1665, namely on the 9th day of October in the same year, and declared himself protector and guarantee of those conventions and every the articles comprehended therein, to all which, when a later Treaty of Peace was added between those Serene and Powerful Kings of Sweden and Denmark, concluded at Lunden, in Schonen, which contains an express repetition and confirmation of the transactions of Roschild, Copenhagen and Westphalia. Therefore, the Most Serene and Powerful King of Great Britain, by virtue of this Alliance, binds himself and promises on the word of a King, that if, contrary to expectation, either of the Kings shall presume, either by himself or others, privately to contrive and design or openly undertake by any disturbance, injury or force of arms, anything to the prejudice of all the conventions or one or more of the articles contained therein, and consequently to the detriment of the persons, provinces, territories, islands, effects, dominions and rights, which by the conventions, so often mentioned and made in the camp near Copenhagen, the 27th of May, in the year 1660, and afterwards at Stockholm, the

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3rd day of July, in the same year, concerning the exchange of the Island of Bornholme, as also the Peace since made at Lunden, in Schonen, in the year 1679, were given to everyone of the parties comprehended in the said conventions, then the Most Serene and Powerful King of Great Britain, for the mutual and constant preservation of the friendship between both Kings of Sweden and Denmark, or the principals concerned in the conventions, shall first by his interposition amicably employ all the good offices of a confederate King, which may conduce to the observance of the often repeated conventions and every the articles contained therein, and consequently the preservation of the peace between both Kings. And, if afterwards he of the two Kings who is author of such prejudices, or of any molestation and injury committed against the aforesaid convention, or any article contained therein, being warned of it, will not desist from those prejudicial attempts, and the violation of the conventions, the Most Serene and Powerful King of Great Britain, as surety and guarantee of those conventions of peace and all and every the articles contained therein, shall, by virtue of this Alliance and Engagement, assist the injured party, so far and in such manner as is concluded and agreed in such case by this present Convention between the Kings of Great Britain and Sweden.

(19.) Moreover, there shall be for the future a stricter alliance and union between the aforesaid Kings of Great Britain and Sweden for the defence and preservation of the evangelical and reformed religion of the Protestants and of all things relating thereunto, which, with the Divine assistance, they do, by these presents, promise and oblige themselves to maintain, protect and preserve.

(20.) And whereas, both the aforesaid Kings do hereby own themselves to be still engaged by some other conventions and alliances formerly made with others, which they are also willing duly to observe according to the meaning of those conventions, but that they are no ways bound at this time by these conventions, or any the clauses contained therein, which may, or can in the least weaken or obstruct this Alliance, and, therefore, that the mutual faith of the confederates and their steadiness in this society may the more appear, and that the minds of their subjects and friends may be settled, both the aforesaid Kings do mutually oblige themselves and declare, that they will sincerely and faithfully observe all and singular the articles of this Alliance, and not depart in the least from the genuine and common sense of the aforesaid articles under any pretence of advantage, friendship, former alliance, convention and promise, or any other colour whatsoever, but that they will most readily, effectually and fully put in execution by themselves, or their ministers and subjects, as occasion shall require, all things which they have promised in this Treaty, and that without any limitation, exception or excuse, excepting only those things which are expressed in the foregoing articles of this Treaty of Alliance.

(21.) This Treaty of Defensive Alliance shall last eighteen years, before the end of which, the confederate Kings may again treat touching the further continuance thereof, if they find it convenient.

(22.) And whereas these Conventions have been concluded by virtue of the powers and orders given on both sides, so they ought to be approved and ratified in due and solemn form by their Sacred Royal Majesties, the Kings of Great Britain and Sweden, and the instruments of ratification shall be exhibited, viz., the English instrument to his Sacred Majesty the King of Sweden's Minister, at London; and the Swedish instrument to his Sacred Majesty of Great Britain's Minister, at Stockholm, within the space of two or three months from the time of the signing thereof, or sooner, if it be possible.

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For the greater certainty and confirmation of the premises, two copies of this Treaty are made; one of which the aforesaid Ambassador Extraordinary of his Sacred Majesty of Sweden has signed and sealed at the Hague, and the other the aforesaid Ambassador Extraordinary of his Sacred Majesty of Great Britain has signed and sealed at London, and that on one and the same day, viz., $\frac{6}{16}$ of Janr., in the year 1700.

(L.S.) N. Lillieroot. (L.S.) J. Williamson.

Endorsed No. (5). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day L. J., XVI. 615, 620.]

(g^1) 6 March. Treaty between England, Sweden, and the States General. *Signed* on $\frac{20}{30}$ Jan. $\frac{1700}{1699}$, at London, by J. Williamson, and on $\frac{13}{23}$ Jan. $\frac{1700}{1699}$, at the Hague, by N. Lillieroot, J. van Essen, Fr. van Bredenhof, A. Heinsius, W. de Nassau, E. de Weede, W. Harren, Ar. Lemker, S. L. Gockinga. *Latin Text.* Printed, with some trifling variations, and omitting the titles of the Kings and Plenipotentiaries, in Du Mont. Vol. VII., Part II., pp. 475–6. *Endorsed* No. (4). Delivered by Lord Chamberlain, 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 615, 620.]

(g^2) 6 March. Translation of preceding, as follows:—

Whereas, his Sacred Royal Majesty of Great Britain, his Sacred Royal Majesty of Sweden, and the High and Mighty Lords, the States General of the United Provinces, have in the Treaty made at the Hague, the $\frac{4}{14}$ May, 1698, entered into an alliance of mutual defence, as well for securing the kingdoms, states and dominions of the contracting parties, as for preserving the peace and tranquillity of Christendom; and seeing that by virtue of the third article of the said Treaty, ministers and plenipotentiaries are to be named on all sides, for devising and promoting all and every thing that may be thought conducing to the entire perfecting of the Treaty. And therefore in order to it, the Most Serene and Most Powerful Prince and Lord, William III., by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c.; the Most Serene and Most Potent Prince and Lord, Charles XII., by the same grace of God, King of Sweden, &c.; and the High and Mighty Lords, the States General of the United Provinces, have named and appointed their Plenipotentiaries, viz., the King of Great Britain, the most illustrious and most excellent Lord, Sir Joseph Williamson, Knight, one of his Majesty's Privy Council, and his Ambassador Extraordinary and Plenipotentiary; the King of Sweden, the most illustrious and most excellent Lord, Nicholas, Free Baron of Lillieroot, his Sacred Majesty's Ambassador Extraordinary and Plenipotentiary to the High and Mighty Lords, the States General; and the States General, the Sieurs, John Ab Essen, Consul of the city of Zutphen, Francis de Bredenhof, Free Lord, of Oosthuijsen, &c., Anthony Heinsius, Councillor and Syndic of the States of Holland and West Friesland, &c., William de Nassau, Lord of Odijck, &c., First Nobleman, and representing the Nobility in the Assemby of the State of Zeeland, Everhard de Weede, Lord of Weede Dykvelt, &c., First Councillor and President of the Assembly of the States of the Province of Utrecht, &c., William de Harren, Bailiff of the district of Bilton, in Friesland, Deputy of the

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Nobility in the Assembly of the States of Friesland, Overseer of the University of Francker, Arnold Lemker, Consul and Senator of the city of Daventer, Ludolphus Gockinga, all Deputies in their Assembly, who by virtue of the powers and commands given them have agreed upon the following conditions of alliance:—

(1.) The Treaty of Alliance, made the $\frac{4}{14}$ May, 1698, shall remain in force, and is by virtue of these presents confirmed in the same manner as if it were here inserted word for word.

(2.) In like manner all treaties shall entirely remain in force which have been made as well between the fore-mentioned Kings themselves, as between either of them and the States General of the United Provinces, every one according to the time appointed for its duration.

(3.) These treaties shall take place not only in cases therein comprehended and specified, but especially if any one or more of the aforesaid confederates and allies shall be invaded on account of this Treaty, under any colour or pretence whatsoever.

(4.) And, therefore, the above-mentioned allies take upon them the protection and reciprocal guarantee of their kingdoms, states, provinces, dominions and territories in Europe, and promise to defend one another by all the best methods that may be against any hostile assaults, invasions or oppressions, so that as soon as one confederate shall be attacked, the other two shall jointly hasten to his defence, according to the conditions of the treaties made with him, as also by virtue of this common Alliance. But, if the succours promised by these treaties shall not be sufficient, all possible and necessary force shall be provided to defend the party aggrieved, and to procure him just satisfaction.

(5.) But, because the above-mentioned confederates are of opinion that the security of their own kingdoms, states, provinces, dominions and territories depends, in a great measure, upon the preservation of a general peace amongst the Christian princes, and that it very much concerns them that oppressions and assaults made elsewhere may not in time reach to disturb their kingdoms, states and provinces, and involve them amongst others in a war, they therefore have promised on all sides, and hereby do promise, that they will in particular stand by and maintain the following Treaties.

(6.) That is to say the Peace of Munster and Osnaburg, in the year 1648. The Peace of Nimeguen, in 1678 and 1679, as likewise the Treaty of Peace between the Emperor and Empire and the King of France, made at Ryswick, 20th October, 1697, so far as it does not differ from the Treaties of Munster, Osnaburg and Nimeguen.

(7.) And likewise the Treaties of Peace, made at Ryswick, the 20th day of September, 1697, between the King of Great Britain and the King of France, and between the King of France and the States General of the United Provinces.

(8.) But that this security or guarantee may have its full force and effect, the above-mentioned contracting parties will use their utmost endeavours that the agreements mentioned in the foregoing articles may be punctually and inviolably observed, but, if it should happen that they should be any ways infringed or violated, they will separately and jointly endeavour by friendly ways and methods, to obtain reparation for the violation and breach of those Treaties of Peace, but, if these endeavours and good offices prove ineffectual, or, if a war should break out before the parties can be reconciled, every of the confederates for making good the aforesaid security and guarantee, and for obtaining reparation for the violation and breach of the fore-mentioned Treaties of Peace, shall furnish six thousand soldiers as soon as one of the

confederates requires them, or it shall be judged necessary, and that, until reparation be made for the violations and breaches, and peace be restored.

(9.) Yet so as that these six thousand men may be but once demanded for the assistance of any one of the confederates, so that if they are sent to one of the allies by virtue of this common Alliance, others besides them are not to be sent, but the confederates shall agree amongst themselves upon the place where it shall be most necessary to make use of them.

(10.) But, if any one of the confederates in case of necessity shall furnish another with succours agreed on by particular compact, either with the whole or with part, then he shall not be obliged to furnish the same confederate with succours on account of this common Alliance, unless the number hereby required exceeds the number agreed on by the particular compact.

(11.) But, if it should happen that these assistances are not sufficient to restore peace, or if the fore-mentioned confederates or any one of them should be still engaged in a war, in that case the confederates shall consult together about augmenting the succours, according to the contents of the 4th article of this Treaty.

(12.) The confederates likewise oblige themselves not to give any help or assistance to his or their enemies who shall be engaged in a war, but, on the contrary, will make it their business to weaken the enemies, and to that end shall advise together whether they shall not prohibit trade with the enemies of the ally or allies, or can any way weaken them and deprive them of all accession of power.

(13.) In case the aforesaid succours are to be sent to any particular place, the confederates shall use their joint endeavours to render their passage easy and secure, for which purpose they shall intercede with the princes whose territories they are to pass through.

(14.) The said military forces sent as succours, as has been already mentioned, shall be under the command of a captain or general of the confederate that sends them, and shall continue in one and the same body, as far as the occasions of the war will permit, but the aforementioned captain is to obey the general or commander-in-chief of the party, who desires them.

(15.) The confederates, who shall be engaged in the war, shall sincerely and faithfully communicate all transactions to one another, and not undertake any negotiation nor make any truce or peace without mutual consent.

(16.) They shall likewise consult with that confederate who shall not be engaged in that war about everything, and comprehend him also in any treaty of peace they shall make, and in the meantime advise with him how the auxiliaries sent may be most usefully employed.

(17.) Other kings, princes and states may be permitted to come into this present Alliance, so far as their accession shall be judged by the common approbation of the allies useful to the promoting and asserting the public quiet.

(18.) This Alliance shall continue eighteen years, and the instruments of ratification shall be exchanged at the Hague within the space of two or three months, or sooner if possible.

In Witness whereof we, the above-mentioned Plenipotentaries, have signed and sealed this present Treaty, whereof there are six instruments made; That is to say, I, Joseph Williamson for the King of Great Britain, at London, the $\frac{20}{30}$ day of January, 1700. J, Nicholas, Free

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(L.S.)	J. Williamson.	(L.S.)	N. Lillieroot.
(L.S.)	J. Van Essen.	(L.S.)	Fr. van Bredenhof.
(L.S.)	A. Heinsius.	(L.S.)	W. de Nassau.
(L.S.)	E. de Weede.	(L.S.)	W. Harren.
(L.S.)	Ar. Lanker [Lemker]	(L.S.)	S. L. Gockinga.

Endorsed Read Ho. Peers, 12 March, 1700. [Delivered this day, L. J., XVI. 615, 620.]

(h^1) 6 March. Separate and secret articles between England, Sweden and Holland. Dates and signatures same as in the preceding paper. Printed, with slight variations, in Du Mont, Vol. VII., Part II., pp. 476–7.

Endorsed No. 6. Delivered by Ld. Chamberlain, 6 Martii, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 615, 620.]

(h^2) 6 March. Translation of preceding, as follows:—

Separate and secret Articles.

Whereas, a Defensive Alliance is this day made between his Sacred Royal Majesty of Great Britain, his Sacred Royal Majesty of Sweden and the High and Mighty Lords, the States General of the United Provinces; and it seeming to be for their common advantage that some articles should be added to it, which shall be of the same validity as if they had been inserted in the Treaty itself, the parties have therefore agreed upon what follows:—

(1.) The above-mentioned confederates shall defend and secure, not only the Peace and Treaties mentioned in the sixth and seventh articles of the principal Alliance, but likewise the Treaty of Peace between the Kings of France and Spain, made at Ryswick, the 20th September, 1697.

(2.) If the King of Great Britain or the States General should be forced to undertake a war for the defence or guarantee of the Treaty of Ryswick, in that case the King of Sweden shall be obliged, instead of six thousand men mentioned in the 8th article of the principal Treaty, to assist them with ten thousand men, clothed and well armed, together with what field-pieces are necessary; nor shall the King of Great Britain or the States General pay any thing for the raising and transporting of them; but he who shall demand these auxiliary forces, shall from the time of their leaving their quarters in Pomerania and Bremen to begin their march, support them and allow them pay, according to the rule and establishment for paying the States General's forces, and it shall be free at all times for these forces to raise recruits within the kingdoms and territories of his Sacred Majesty of Sweden.

(3.) None of the confederates is obliged to send the succours he has promised into Italy, Spain, or any other places at so great or a greater distance, but, if the party that wants help shall have occasion for it there, he shall ask it of somebody else; but, in the meantime, he may make use of the said auxiliary forces in his own or neighbouring countries, as well to divert the enemy as to defend himself and his allies.

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(4.) And, as the fore-mentioned confederates are very desirous to preserve peace in the north, and to that purpose have heretofore each of them separately made himself surety and guarantee of the Treaty of Altena, between the King of Denmark and the Duke of Holstein Gottorp, and esteem the afore-mentioned tranquillity in the north to depend in a great measure upon the observation of that Treaty; they have, therefore, thought fit hereby to oblige themselves anew to the defence or guarantee of the said Treaty of Altena, and this protection or guarantee in regard to the present posture of affairs, shall take place against any assault or violence whatsoever, but the difference between the King of Denmark and the Duke of Holstein Gottorp shall be referred to the negotiation at Pinnenberg, to be there decided as possibly may be.

(5.) The Emperor and the King of Spain may, if they think fit, come into this Treaty, as parties to whom the protection and guarantee of the peace of Ryswick does in a great measure belong, and conditions shall be agreed on to that purpose with them.

(6.) The King of Great Britain and the States General promise to employ their utmost care and endeavours to induce the King of Spain to pay to the King of Sweden what is due to him for the Swedish ships, which the King of Spain's subjects unjustly took in the late war.

In Witness whereof, we the underwritten Ambassadors Extraordinary and Plenipotentiaries of the Kings of Great Britain and Sweden, and the Deputies of the States General of the United Provinces named in the principal Treaty, have signed and sealed these separate and secret articles, whereof there are six instruments made; viz.:—I, Joseph Williamson for the King of Great Britain, at London, the $\frac{20}{30}$ day January, 1700; I, Nicholas, Free Baron of Lillieroot, for the King of Sweden; and we the Deputies of the States General for them, at the Hague, the $\frac{13}{23}$ day of January, 1700.

(L.S.)	J. Williamson.	(L.S.)	N. Lillieroot.
(L.S.)	J. Van Essen.	(L.S.)	Fr. Van Bredenhof Van Oosthuijsen.
(L.S.)	A. Heinsius.	(L.S.)	W. de Nassau.
(L.S.)	E. De Weede.	(L.S.)	W. Harren.
(L.S.)	Ar. Lemker.	(L.S.)	S. L. Gockinga.

Endorsed Read Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 615, 620.]

(i^1) 26 Feb. Louis XIV's ratification of the Treaty (the Second Partition Treaty). *Signed* at London, on 3 March, new style 1700, 21 Feb., old style 1699, by Tallard, Briord, Portland, Jersey, and, at the Hague, on 25th March, 1700, by J. van Essen, F. B. de Rheede, A. Heinsius, G. de Nassau, De Weede, W. V. Harren, R. Lemker, Van Heeck. Then follows a copy of the pleinpouvoirs to M. de Tallard, dated Versailles, 26th March, 1699, and to M. le Comte de Briord, dated Versailles, 1 Feb., 1700. The ratification is dated Versailles, 9 April, 1700. *Signed* Louis, par le Roy, Colbert. *French Text.* That part which consists, of the Treaty is printed in Du Mont Vol. VII., Part II., pp. 477–9, with some verbal differences, and with date given as 13 March instead of 3 March. *Endorsed* (1). Delivered by Lord Chamberlain, 26 Feb., 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

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(i²) 26 Feb. Translation of preceding, as follows :—

Ratification of the Treaty—

Lewis, by the grace of God, King of France and Navarre. To all those who shall see these present letters, Greeting. Having seen and examined the Treaty that has been concluded, agreed and signed in our name, viz., at London, the third day of March last, by our dear and wellbeloved the Sieur Count de Tallard, Lieutenant General of our Armies and of our Province of Dauphine, and our Ambassador Extraordinary in England, by virtue of the full power we had given him to that end, with William, Earl of Portland, Viscount of Cirencester, Baron of Woodstock, Knight of the Garter and Privy Councillor to our most dear and most beloved brother the King of Great Britain, and Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight, Marshal of England, Principal Secretary of State and Privy Councillor of our said brother the King of England, having likewise a full power from him. And, at the Hague, the following 25th day of the said month of March, by our dear and well-beloved the Sieur Count de Briord, Councillor in our Councils and our Ambassador Extraordinary to our most dear and great friends the States General of the United Provinces of the Low Countries, by virtue also of the full power we have given him for that purpose, with the Sieurs, John Van Essen, Burgomaster and Senator of the city of Zutphen, Curator of the University of Harderwyck, Frederick, Baron of Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the same Province, William of Nassau, Lord of Odijck, Cartgine, &c., First Noble and Representative of the Nobility in the Assembly of the States and of the Deputies Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord of the manor of the town of Oudewater, Dean and Escolatre of the Imperial Chapter of St. Mary of Utrecht, Dickgrave of the river Rhine in the Province of Utrecht and President of the States of the same Province, William Van Harren, Grietman of the Belt, Deputy from the Nobility to the States of Friesland and Curator of the University of Franeker, Arnold Lemker, Burgomaster of the city of Devanter and John Van Heeck, Senator of the city of Groningen; all Deputies in Assembly of the said States General from the States of Guelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overyssel and Groningen and Ommelandt, furnish[ed] likewise with full powers from the said States General of the United Provinces, of which Treaty the extent follows.

Be it known to all who shall see these presents, that the Most Serene and Most Potent Prince, Lewis XIV., by the grace of God, Most Christian King of France and Navarre, and the Most Serene and Most Potent Prince, William, III., also by the grace of God, King of Great Britain, and the Lords States General of the United Provinces of the Low Countries, having no greater desire than to strengthen by new obligations the good intelligence re-established between his Most Christian Majesty, his Majesty of Great Britain and the said Lords States General by the last Treaty, concluded at Ryswick: and to prevent by taking timely measures those events which might raise new wars in Europe, have to this end given their full powers to agree of a new Treaty, viz.: His said Most Christian Majesty to the Sieur Camille d'Hostun, Count of Tallard, Lieutenant-General of the King's Armies and of his Province of Dauphiny, Ambassador Extraordinary from France in England, and to the Sieur Gabriel, Count of Briord, Marquis

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of Senosan, one of the King's Privy Councillors and his Ambassador Extraordinary to the said States General of the United Provinces of the Low Countries; His said Britannic Majesty to the Sieur William, Earl of Portland, Viscount of Cirencester, Baron of Woodstock, Knight of the Garter and Privy Councillor to the King, and to the Sieur Edward, Earl of Jersey, Viscount Villiers, Baron of Hoc, Knight Mareschal of England, First Secretary of State and Privy Councillor to the King; and the said Lords States General, to the Sieurs, John Van Essen, Burgomaster and Senator of the city of Zutphen, Curator of the University of Harderwyck, Frederick, Baron of Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the Fiefs of the same Province; William of Nassau, Lord of Odijck, Cartgine, &c., First Noble and Representative of the Nobility in the Assembly of the States and Deputies Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord of the manor of the town of Oudewater, Dean and Escolastre of the Imperial Chapter of St. Mary of Utrecht, Dickgrave of the river Rhine in the Province of Utrecht, and President of the States of the same Province, William Van Harren, Grietman of the Belt, Deputy from the Nobility of the States of Friesland, Curator of the University of Franeker, Arnold Lemker, Burgomaster of the city of Devanter and John Van Heeck, Senator of the city of Groningen, all Deputies in the Assembly of the said Lords States General from the States of Guelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overyssel and Groningen, and Ommelandt, who by virtue of the said powers have agreed to the following articles:—

(1.) The peace, re-established by the Treaty of Ryswick, between his Most Christian Majesty and his Britannic Majesty and the Lords States General of the United Provinces of the Low Countries, their heirs and successors, their kingdoms, states, and subjects, shall be firm and constant, and their Majesties and the said Lords States General shall reciprocally do what they can to contribute to the advantage and profit of one another.

(2.) As the principal object which his said Most Christian Majesty, his said Majesty of Great Britain and the said States General propose to themselves, is that of maintaining the general tranquillity of Europe, they could not without sorrow understand that the state of the King of Spain's health has for some time been so languishing, that the life of that Prince is much to be feared, though they cannot think upon this event without trouble, because of the sincere and true love they have for him, they have nevertheless thought it the more necessary to foresee it, because his Catholic Majesty having no children, the business of the succession would infallibly raise a new war, if the Most Christian King should maintain his own pretensions, those of Monseigneur the Dauphin or of his successors, to the whole succession of Spain. And, if the Emperor should also make good his pretensions, those of the King of the Romans, of the Archduke, his second son, or of his other children, males or females unto the said succession.

(3.) And, as to the two Kings and the Lords States General do desire above all things the conservation of the public peace and to prevent a new war in Europe, by accommodating the disputes and differences which might arise upon the subject of the said succession, or by the umbrage of too many states reunited under one and the same Prince, they have thought good to take beforehand necessary measures to prevent the evils which the sorrowful event of the King of Spain's death, without children, might produce.

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(4.) Therefore it is agreed that, if the case before mentioned should happen, the Most Christian King as well in his own name as in that of Monseigneur the Dauphin, his children, males or females, heirs and successors, born or to be born, as also Monseigneur the Dauphin for himself, his children, males or females, born and to be born, shall hold themselves satisfied, and do hold themselves satisfied by these presents, that the said Monseigneur the Dauphin shall have for his share in full property and possession and in extinction of all his pretensions to the succession of Spain, to be enjoyed by him, his heirs, successors, descendants, males or females, born and to be born, for ever, without ever being molested under any pretence whatsoever of right or pretensions, directly or indirectly, either by cession, appeal, revolt or otherways, by the Emperor, the King of the Romans, the Most Serene Archduke Charles, his second son, the Archduchesses, his other issue, male or female, and descendants, his heirs and successors, born and to be born; the Kingdoms of Naples and Sicily, in the same manner the Spaniards possess them at present; the places depending on the monarchy of Spain, situated on the coast of Tuscany, or adjacent isles, comprehended under the name of Sancto Stephano, Porto Hercole, Orbitello, Telamone, Porto Longone, Piombino, in the same manner also as the Spaniards possess them at present, the city and marquisate of Finale, in the like manner as the Spaniards possess them, the province of Guipuscoa, particularly the cities of Fontarabia and St. Sebastian, situated in that province, and especially the port of passage which is therein comprehended, with this restriction only, that, if there be any places depending upon the said province which shall be found situated beyond the Pyrenees or the other mountains of Navarre, Alava or Biscay on the side of Spain, they shall remain to Spain. And, if there be any places in like manner depending upon the provinces subjected to Spain, which be on this side the Pyrenees or other mountains of Navarre, Alava or of Biscay, on the side of the province of Guipuscoa, they shall remain to France and the passages of the said mountains and the said mountains which are betwixt the said province of Guipuscoa, Navarre, Alava and Biscay, to whomsoever they belong, shall be divided between France and Spain, in such sort as there shall remain as much of the said mountains and passes to France on her side, as shall remain to Spain on hers; the whole with the fortifications, ammunition of war, powder, ball, cannon, galleys, galley-slaves, which shall be found belonging to the King of Spain at the time of his decease without issue, and to be annexed to the kingdoms, places, islands and provinces which are to compose the share of Monseigneur the Dauphin, well understood that the galleys, the galley slaves and the other effects belonging to the King of Spain by the Kingdom of Spain and other dominions which fall to the share of the Most Serene Archduke, shall remain to him, those which belong to the Kingdom of Naples and Sicily being to come to Monseigneur the Dauphin so as above said. Further, the dominions of the Duke of Lorraine, that is to say, the Duchies of Lorraine and Bar, so as Charles IV. of the name, possessed them and as they were restored by the Treaty of Ryswick, shall be yielded and conveyed to Monseigneur the Dauphin, his children, heirs and successors, males or females, born or to be born, in all property and full possession, in lieu of the Duchy of Milan, which shall be yielded and exchanged to the Duke of Lorraine, his children, males or females, heirs, descendants, successors, born and to be born, in property and full possession, who will not refuse so advantageous an offer, it being well understood that the county of Bistch belongs to Monseigneur the Prince Vaudemont, who shall enter into the possession of the lands which he heretofore enjoyed,

which have been or ought to have been restored according to the Treaty of Ryswick. In consideration of which kingdoms, islands, provinces and places, the said Most Christian King, as well in his own name as in the name of Monseigneur the Dauphin and his children, male or female, heirs and successors, born and to be born, as also the same Monseigneur the Dauphin for himself, his children, males or females, heirs and successors, born and to be born, (who has also given his full power for this end to the Seigneur Comte de Tallard and to the Seigneur Comte de Briord), do promise and engage themselves to renounce all the opening of the said succession of Spain, as in that case they do at this time renounce by these presents all their rights and pretensions to the said Crown of Spain and to all the other kingdoms, islands, states, lands and places, which at this time depend thereupon, except what is above declared for his share, all which they shall confirm by solemn acts on the most authentic and best form as may be, which shall be delivered to the King of Great Britain and to the Lords States General at the time of the exchanging of the ratification of the present Treaty.

(5.) All the towns, places and ports situated in the kingdoms and provinces which are to compose the share of the said Dauphin shall be preserved without being demolished.

(6.) The said Crown of Spain and the other kingdoms, islands, states, lands and places, which the Catholic King at this time possesses, as well without as within Europe, shall be given and assigned to the Most Serene Archduke Charles, second son to the Emperor, (except what has been declared on the 4th article to compose the share of Monseigneur the Dauphin and the Duchy of Milan according to the said 4th article), in all property and full possession as his share, and extinguishing all his pretensions to the said succession of Spain, to enjoy the same, himself, his heirs and successors, born and to be born, for ever, without being ever molested under any pretence soever, of rights or pretensions directly or indirectly, even by cession, appeal, revolt, or otherwise on the behalf of the Most Christian King, of the said Monseigneur the Dauphin, or of his children, males or females, his heirs and successors, born and to be born. In consideration of which Crown of Spain and other kingdoms, islands, states, lands and places depending thereupon, the Emperor, as well in his own name as in that of the King of the Romans, of the Most Serene Archduke Charles, his second son, of the Archduchesses, his daughters, his children, their children, males or females, heirs, descendants or successors, born and to be born, as also the King of the Romans for himself, and the Most Serene Archduke Charles as soon as he shall be of age for himself, their children, heirs and successors, males and females, born and to be born, shall hold themselves satisfied that the said Most Serene Archduke Charles have, in extinction of all their pretensions to the succession of Spain, the said cession above made; and the said Emperor, as well in his own name as in that of the King of the Romans, of the Most Serene Archduke Charles, his second son, of the Archduchesses, his daughters, his children, males or females, and theirs, their heirs and successors, as also the said King of the Romans, in his own name, shall renounce at the time they enter into and ratify this present treaty, and the Most Serene Archduke Charles as soon as he shall be of age, all other rights and pretensions to the kingdoms, islands, states countries and places which compose the shares and portions assigned here above to Monseigneur the Dauphin and to him who shall have the Duchy of Milan by exchange for what shall be given to the said Monseigneur the Dauphin. Of all which they shall cause the most solemn and most

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authentic acts that may be to be made, that is to say, the Emperor and the King of the Romans when they shall ratify this present Treaty and the Most Serene Archduke as soon as he shall be of age, which acts shall be delivered to his Britannic Majesty and to the Lords States General.

(7.) Immediately after the exchange of ratifications of this present Treaty, it shall be communicated to the Emperor, who shall be invited to enter thereunto; but if, after three months' time from the day of the said communication and the said invitation, or the day that his Catholic Majesty should die, if it should happen before the expiration of the said three months, his Imperial Majesty and the King of the Romans should refuse to enter therein, and to agree to the share assigned to the Most Serene Archduke, the two Kings or their successors and the Lords States General shall agree upon a Prince to whom that share shall be given. And, in case, notwithstanding the present Convention, the said Most Serene Archduke would take possession either of the part which might fall to him, before he has accepted the present Treaty, or of that part which might be assigned to Monseigneur the Dauphin, or to him who shall have the Duchy of Milan, in exchange as above said, the said two Kings and the Lords States General by virtue of this Convention shall hinder it with all their forces.

(8.) The Most Serene Archduke shall not go into Spain, nor into the Duchy of Milan during the life of his Catholic Majesty, but with common consent, and not otherwise.

(9.) If the Most Serene Archduke should die without children, either before or after the death of the Catholic King, the share which is above assigned to him by the sixth article of this Treaty, shall come to such male or female child of the Emperor, the King of the Romans excepted, or to such child, male or female, of the King of the Romans, as his Imperial Majesty shall think fit to appoint, and, in case his said Imperial Majesty should die without having made the said appointment, it may be done by the King of the Romans, but on condition that the said share shall never be united nor belong to the person of him who shall be Emperor or King of the Romans, or is become one or the other, be it by succession, will, contract of marriage, donation, exchange, cession, appeal, revolt or otherwise; and in like manner the said share of the Most Serene Archduke shall never come or belong to the person of a Prince who shall be King or Dauphin of France, or is become one or the other, be it by succession, will, contract of marriage, donation, exchange, cession, appeal, revolt or otherwise.

(10.) The King of Spain dying without children and the said case thus happening, the two Kings and the Lords States General do oblige themselves to leave the whole succession in the same state as it shall then be, without seizing the whole or any part of it directly or indirectly, but each Prince immediately may put himself in possession of what is assigned him as his share, as soon as he has fulfilled on his part the 4th and 6th preceding articles, and, in case there should be any difficulty, the two Kings and the Lords States General shall do their utmost endeavour, to the end that each one shall be put in possession of his share, according to this Agreement, and that it may have its entire effect, they engage themselves to give by sea and land such help and assistance of men and ships as shall be necessary to constrain by force those who shall oppose the said execution.

(11.) If the above said Kings or States General, or either of them, be attacked because of this Convention, or of the execution that shall

be thereof made, they shall mutually assist one another with all their forces and render themselves guarantees of the punctual executing of the said Convention and of the renunciations made thereupon.

(12.) All kings, princes and states that will enter into the present Treaty shall be admitted into the same, and it shall be lawful to the two Kings and to the Lords States General and to each of them in particular, to require and invite all those they shall think fit to enter into this present Treaty and to be in like manner guarantees of the execution thereof, and of the validity of the renunciations herein contained.

(13.) And, for the further securing the peace of Europe, the said kings, princes and states shall not only be invited to be guarantees of the execution of the present Treaty and of the validity of the said renunciations, as above, but, if any one of the Princes, in favour of whom the partitions are made, would in time to come break the order established by this Treaty, begin new enterprises contrary to the same, and so aggrandise himself to the prejudice one of the other[s], under any pretence whatsoever, the same guarantee of this Treaty shall be understood in such case to extend so as that the kings, princes and states who promise the same, shall be obliged to employ their forces to oppose the said enterprises and maintain all thing[s] in the condition agreed on by the said articles.

(14.) In case any Prince soever oppose the taking possession of the shares agreed on, the said two Kings and Lords States General shall be obliged to assist one another against such opposition, and to hinder it with all their forces, and shall agree presently after the signing of this present Treaty on the proportion that each shall contribute, both by sea and land.

(15.) The present Treaty and all acts made in consequence of it or that have dependence thereupon and especially the solemn acts that his Most Christian Majesty and Monseigneur the Dauphin are obliged to give, by virtue of the 4th article above said, shall be registered in the Parliament of Paris, according to their form and tenor and according to the usual custom, to be of force upon the conditions therein contained, as soon as the Emperor shall have entered into the present Treaty or at the end of the three months that are allowed him for that purpose, in case he does not enter into it sooner. And likewise his Imperial Majesty when he enters into the present Treaty, shall be obliged to get it approved and registered, with all the acts made in consequence thereof or which have relation thereunto, especially the solemn acts which his Imperial Majesty, the King of the Romans and the Most Serene Archduke shall be obliged to give, by virtue of the 6th article abovesaid, in his Council of State or otherwise, according to the most authentic forms of the country.

(16.) The ratification of the two Kings and of the Lords States General shall be all three exchanged at the same time at London, within the space of three weeks, reckoning from the day that the said Lords States General shall have signed, or sooner if possible. Done and Signed at London, $\frac{\text{3rd March, N.S. 1700,}}{\text{21st Feby., O.S. 1699,}}$ by us Plenipotentiaries of France and England, and at the Hague, the 25th of the said month of March, 1700, by us Plenipotentiaries of France and of the Lords States General; the two Kings and the said States General having agreed that the signing of this present Treaty should be performed in this manner. In Witness whereof, we have signed

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the said present Treaty with our hands, and caused the seal of our arms to be affixed.

(L.S.)	TALLARD.	(L.S.)	A. HEINSIUS.
(L.S.)	BRIORD.	(L.S.)	W. DE NASSAU.
(L.S.)	PORTLAND.	(L.S.)	DE WEEDE.
(L.S.)	JERSEY.	(L.S.)	W. V. HARREN.
(L.S.)	J. VAN ESSEN.	(L.S.)	AR. LEMKER.
(L.S.)	F. B. DE RHEEDE.	(L.S.)	VAN HEECK.

[The text of the full powers given by the King to Count de Tallard and Count de Briord are then set out in full.]

We, having for agreeable the above said Treaty in all and every one of the points and articles therein contained and expressed, have accepted, approved, ratified and confirmed, and by these presents signed with our hand do accept, approve, ratify, and confirm the same, promising upon the faith and word of a King to perform and observe and cause it to be observed sincerely and *bonâ fide*, without acting or suffering any to act to the contrary, directly, or indirectly, under what pretence or occasion that may be. In Witness whereof, we have caused our seal to be affixed to these presents. Given at Versailles, the 9th day of April, of the year 1700, and of our reign the 57th. *Signed* Louis, by the King, Colbert. *Endorsed* Read Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(k^1) 26 Feb. Ratification of the separate article. *Signed* and *dated* as preceding, and with the same Pleinpouvoirs. *French Text. Endorsed* (2). Delivered by Lord Chamberlain, 26 Feb. 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

(k^2) 26 Feb. Translation of preceding, as follows :—

The Ratification of the Separate Article.

Lewis, by the grace of God, King of France and Navarre, to all who shall see these presents, Greeting. Whereas our dear and well beloved the Count de Tallard, our Lieutenant-General of our Armies and of our Province of Dauphiny, our Ambassador Extraordinary in England, and the Count de Briord, Councillor of our Councils and our Ambassador Extraordinary to our most dear and great friends the States General to the United Provinces of the Netherlands, have, by virtue of the full powers we gave them for that purpose, concluded, made and signed, the one at London, the 3rd of March last, with William, Earl of Portland, Viscount Cirencester, Baron of Woodstock, Knight of the Order of the Garter, and Privy Councillor to our dearest and most entirely beloved the King of Great Britain, and Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight Marshal of England, principal Secretary of State and Privy Councillor to our said brother the King of England, who were likewise fully empowered from him. The other at the Hague, the following 25th day of the said month of March, with Sieurs, John Van Essen, Burgomaster and Senator of Zutphen, Curator of the University of Harderwyck, Frederick, Baron of Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the aforesaid Province, William de Nassau, Lord of Odijck, Cartgine, &c., First Nobleman and Representative of the Nobility in the Assembly of the States and the Deputies Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord Proprietor of the town of Oudewater, Dean and Escolatre of the Imperial Chapter of St. Mary

in Utrecht, Dickgrave of the Rhine in the Province of Utrecht and President of the States of the said Province, William Van Harren, Grietman of the Belt, Deputy of the Nobility to the States of Friesland and Curator of the University of Franeker, Arnold Lemker, Burgomaster of the town of Devanter, and John van Heeck, Senator of the town of Groningen, everyone Deputies in the Assembly of the States General from the States of Guelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overyssel, Groningen and Ommelandt, in like manner provided with full powers from the said States General of the United Provinces of the Netherlands, one separate article of the Treaty, concluded the 3rd and 25th days of March last, with our said brother the King of Great Britain and the said States General of the United Provinces of the Netherlands, the tenor of which article is as follows:—

The Separate Article.

His Most Christian Majesty, his Britannic Majesty, and the States General have agreed, First, that if the King of Spain will not come into this Treaty, and that notwithstanding he should go about to demolish the towns, places and ports situated in the kingdoms and provinces, which are to compose the share of the Dauphin, or of the Duchy of Milan and the dependencies of the said kingdoms and provinces, the two Kings and the States General shall oppose the same by all manner of means.

Secondly, that the said Kings and the States General shall employ their offices with his said Catholic Majesty to prevent the governments of the provinces, which are to compose the share of the Dauphin, being taken out of the hands wherein they are; and, if any alteration be made, they shall likewise employ their good offices that the said governments may be given to natural born Spaniards.

And Thirdly, His Britannic Majesty and the States General engage to keep, as it were in trust, the solemn acts of the Most Christian King and the Dauphin, which ought to be put into their hands, pursuant to the fourth article of the present Treaty, signed at London, the 3rd March, 1700, N.S.
21st Feb., 1699, O.S., and at the Hague, the 25th of the said month of March, 1700, and give a declaration thereof at the same time that the said acts shall be put into their hands. And that neither the Emperor nor the King of the Romans shall be admitted into the said Treaty till they have in like manner delivered in such solemn acts as they are obliged to do by the 6th article of the aforesaid Treaty, which shall be in the same or equivalent terms, to the satisfaction and security of the parties interested, according to the form following hereunder inserted.

The act of renunciation which is to be made by the Emperor, in case his Catholic Majesty dies without issue, to be delivered to the parties concerned, pursuant to the Treaty, made at London, the 3rd March, 1700, N.S.
21st Feb., 1697, O.S., and at the Hague, the 25th of the said month of March, 1700, in the proper terms hereunder expressed, or equivalent thereto, wherein the parties interested, together with his Imperial Majesty, may find their security, after the delivery whereof the Archduke, or his tutors in his name, may enter upon the possession of his share.

Leopold, by the grace of God, elected Emperor of the Romans, &c., To all who shall see these presents, We make known that having seen and examined the Treaty, made between the most Christian King, the King of Great Britain and the States General of the United Provinces

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of the Netherlands, at London, the $\frac{\text{3rd March, 1700, N.S.}}{\text{21st Feb., 1699, O.S.}}$, and at the Hague, the 25th of the said month of March, 1700, for regulating the succession to the Crown of Spain, in case his Catholic Majesty shall happen to die without children, and preventing the sad consequences such an accident might occasion, if not provided against in time; the tenor whereof is as follows:—

Here is to be inserted the Treaty.

Now, if so be the said case, that is to say the decease of the King of Spain without issue, shall so come to pass, We declare, as well in our own proper name as in the name of the King of the Romans, our eldest son, the Archduke, our second son, the Archduchesses, our daughters, and our other children and descendants, males or females, heirs and successors, born and to be born, That we have agreed to, approved and ratified, as we do by this present agree to approve and ratify the said Treaty, according to its form and tenor. And we do [promise to] oblige and engage ourselves, as we do oblige and engage ourselves by this present act to observe, and cause to be observed the said Treaty upon the same conditions, obligations and guarantees therein mentioned, which shall have the same force as if they were here repeated again, and especially the 4th 6th, 8th and 9th articles of the said Treaty, whereby a partition has been made of the said succession to the crown of Spain in favour of the Dauphin of France and the Archduke Charles, our second son, on condition that certain solemn acts of acquittance and renunciation should be despatched by us in the best and strongest form that can be, and delivered at the time we shall enter into the said Treaty; And desiring nothing more heartily than to comply with the said Treaty and prevent all sorts of disputes which might happen on account of the said succession to the Crown of Spain, we have declared, as we do by this present declare, as well in our own name as the name of the King of the Romans, our eldest son, and that of the Archduke Charles, our second son, the Archduchesses, our daughters, and our other children and descendants, males or females, heirs and successors, born and to be born, that we are satisfied with the part allotted to the said Archduke Charles, our second son, by the 6th article of the said Treaty, in extinction of all our rights, actions and pretensions upon the part alloted to the Dauphin of France by the 4th article of the said Treaty, without any exception or reserve, so that neither we nor the said King of the Romans, the said Archduke and our other children, can make any more pretences thereto; and in pursuance thereof in consideration of the kingdoms, estates, isles and provinces allotted to the said Archduke, our second son, by the 6th article of the said Treaty, we do declare that we do yield up and transfer, as we do by this present yield up and transfer, as well in our own name as that of the King of the Romans, the Archduke Charles, the Archduchesses, our daughters, and our other children, males or females, heirs and successors, born and to be born, unto the said Dauphin of France his children and descendants, males or females, heirs and successors, born or to be born, conformably to the said Treaty, all our other rights, actions and pretensions, which we or our children, males or females, heirs and successors, born and to be born, have or pretend to have to the said succession to the Crown of Spain, without any exception or reserve, and consequently we do consent and agree that the said Dauphin may enjoy his share with full propriety and posession, for himself, his children and descendants, males or females, heirs

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and successors, born and to be born, for ever, without being at any time molested by us, or our children and descendants, males or females heirs and successors, born and to be born, under any pretext whatsoever, of rights or pretensions, directly or indirectly, even by cession, appeal, revolt or any other way. And furthermore, we declare, as well in our own name as in that of the King of the Romans, the Archduke Charles, the Archduchesses, our daughters, and our other children and descendants, male or female, heirs and successors, born and to be born, that we renounce, in consideration of the said allotment, contained in the 6th article of the said Treaty, as we do by this present renounce, all rights, actions and pretensions, which appertain to us or which we pretend to, upon the said succession to the Crown of Spain and upon the other kingdoms, isles, estates, countries and places depending thereon, and which by the said Treaty are yielded and assigned to the Dauphin of France.

Lastly, we do promise, as well in our own name as in that of the King of the Romans, the Archduke Charles, the Archduchesses, our daughters, and our other children and descendants, male or female, heirs and successors, born and to be born, that we will suffer the said Dauphin, his children and descendants, male or female, their heirs and successors, born and to be born, to have the full effect and enjoyment of the said Treaty, without any hindrance whatsoever. In Witness, this article shall have the same force as if it were inserted word for word in the Treaty, whereto it has relation, and it shall be registered in the Parliament of Paris, immediately after the death of his Catholic Majesty without issue.

Made and signed at London, by us the Plenipotentiaries of France and England, the $\frac{\text{3rd March, 1700, N.S.}}{\text{21st Feby., 1699, O.S.}}$ and at the Hague, by us the Plenipotentiaries of France and the States General, the 25th of the said month of March, 1700.

(L.S)	TALLARD.	(L.S.)	BRIORD.
(L.S.)	PORTLAND.	(L.S.)	JERSEY.
(L.S.)	J. VAN ESSEN.	(L.S.)	F. B. DE REEDE.
(L.S.)	A. HEINSIUS.	(L.S.)	W. DE NASSAU.
(L.S.)	DE WEEDE.	(L.S.)	W. V. HARREN.
(L.S.)	AR. LEMKER.	(L.S.)	VAN HEECK.

[The text of the powers given to Count de Tallard and Count de Briord are again set out in full.]

We, liking the said separate article and all it contains, have accepted, approved, ratified and confirmed, and do by these presents signed with our own hand, accept, approve, ratify and confirm the same, promising on the faith and word of a King to fulfil, observe and cause it to be observed sincerely and faithfully, without acting or allowing any one to act contrary thereto, directly or indirectly, for any cause or on any account whatsoever. In Witness whereof, we have caused our seal to be affixed to these presents. Given at Versailles, the 9th day of April, in the year of Our Lord 1700, and of our reign the 57th.

Signed LEWIS,
by the King,
COLBERT.

Endorsed Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(l^1) 26 Feb. Ratification of the secret article. *Signed* and *Dated* as preceding, and with the same pleinpouvoirs. *French Text.*

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Endorsed (3). Delivered by Ld. Chamberlain, 26 Feb. 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

(l^2) 26 Feb. Translation of preceding, as follows:—

The Ratification of the Secret Article.

Lewis, by the grace of God, King of France and Navarre. To all who shall see these present letters, Greeting. Whereas, our dear and well-beloved the Count de Tallard, Lieutenant-General of our Armies and of our Province of Dauphiny, our Ambassador Extraordinary in England, and the Count de Briord, Councillor in our Councils and our Ambassador Extraordinary to our most dear and great friends the States General of the United Provinces of the Netherlands, have, by virtue of the full powers which we gave them for that purpose, concluded, made and signed the one at London, the 3rd of March last, with William, Earl of Portland, Viscount of Cirencester, Baron of Woodstock, Knight of the Order of the Garter, and Privy Councillor to our most dear and entirely beloved brother the King of Great Britain, and Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight Marshal of England, Principal Secretary of State and Privy Councillor to our said brother the King of England, in like manner provided with a full power on his part, and the other at the Hague, the following 25th day of the said month of March, with the Sieurs, John Van Essen, Burgomaster and Senator of Zutphen, Curator of the University at Harderwyck, Frederick, Baron de Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the same Province, William de Nassau, Lord of Odijck, Cartgine, &c., First Noble and Representative of the Nobility in the Assembly of the States and Deputy Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord Proprietor of the town of Oudewater, Dean and Escolatre of the Imperial Chapter of St. Mary at Utrecht, Dickgrave of the river Rhine in the Province of Utrecht and President of the States of the same Province, William van Harren, Grietman of the Belt, Deputy of the Nobility in the States of Friesland and Curator of the University of Franeker, Arnold Lemker, Burgomaster of the town of Devanter, and John van Heeck, Senator of the town of Groningen, all Deputies in the Assembly of the States General, on behalf of the States of Gelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overyssell and Groningen and Ommelandt, in like manner also provided with full powers on the part of the States General of the United Provinces of the Netherlands, a secret article of the Treaty, concluded the 3rd and 25th days of March last, with our said brother the King of Great Britain and the said States General of the United Provinces of the Netherlands, the tenor of which article is as follows:—

The Secret Article.

His Most Christian Majesty, his Britannic Majesty and the States General being desirous to prevent the war which the death of his Catholic Majesty without children might produce, have agreed to a Treaty concerning his succession, which was signed at London the 3rd of March, 1700, N.S. / 21st of Feb., 1699, O.S. and at the Hague, the 25th of the said month of March, 1700. And whereas in the 4th article of the said Treaty it is said, that the Duchies of Lorraine and Bar shall be yielded

to the Dauphin in exchange for the Duchy of Milan, which is to be given to the Duke of Lorraine, and the said two Kings and the States General, judging nothing more conducive to the end they propose, shall employ all their offices, either jointly or separately, to engage the said Duke of Lorraine to consent thereto.

But whereas it is necessary to determine who shall be the Prince to whom the Duchy of Milan shall be given, and what shall be allowed to the Dauphin to indemnify him in lieu of the Duchies of Lorraine and Bar, if contrary to all appearance, the Duke of Lorraine will not give his consent to this exchange, notwithstanding the said continual and reiterated offices and endeavours during the life of the King of Spain, or until a set time hereunder agreed upon, after his death, the said two Kings and the States General above named are agreed that in such case his Britannic Majesty and the States General shall choose one of the two alternatives following at the expiration of the said term after the death of his Catholic Majesty:

That is to say, to put the said Duchy of Milan into the hands of the Elector of Bavaria, to have and enjoy the same, he, his children, male or female, heirs, successors and descendants, males or females, born and to be born, for ever, in full propriety and plenary possession and exchange, to join Navarre to the share of the Dauphin, to have and enjoy the same, he, his children, males or females, heirs or successors, descendants, male or female, born and to be born, in full propriety and plenary possession; or, instead of Navarre, the town and duchy of Luxembourg and the county of Chinay. Or else to give the said Duchy of Milan to the Duke of Savoy to enjoy the same, himself, his children, male or female, heirs, successors and descendants, male or female, born and to be born, for ever, in full propriety and plenary possession. And in exchange to add to the Dauphin's share, the town and county of Nice, the Valley of Barcelonnetta and the Duchy of Savoy, to enjoy the same for ever in full propriety and plenary possession, himself, his children, heirs, successors and descendants, male or female, born and to be born.

Moreover, the two Kings and the States General have agreed by this secret article, that although it is said by the 7th article of the said Treaty, signed at London, the $\frac{\text{3rd March, 1700, N.S.,}}{\text{21 February, 1699, O.S.,}}$ and at the Hague, the 25th of the said month of March, 1700, that they should agree upon some Prince to whom the said share of the Most Serene Archduke shall be given, in case the Emperor and the King of the Romans refuse to subscribe the said Treaty after the term of three months has expired, which is to be reckoned from the day the same shall be notified to him; nevertheless the Emperor shall be admitted to subscribe the said Treaty in the space of two months, to be reckoned from the day the death of his Catholic Majesty shall have been signified by his Most Christian Majesty to his Britannic Majesty and the States General. But, in case his Imperial Majesty refuses to enter into the same within the time as above prefixed, the two Kings, or their successors, and the States General, after the expiration of the time above mentioned, shall agree upon a Prince to whom the said share shall be given, and the rest that is contained in the said 7th article, from which there is no deviation made by what is said above, shall be punctually performed.

'Tis moreover agreed that if the Most Serene Archduke should go into Spain or the Duchy of Milan, notwithstanding it is expressed in the 8th article of the Treaty, whereto this present secret article relates, that he shall not be allowed to go thither before the death of his Catholic Majesty, but with the common consent of the two Kings

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and the States General, his Britannic Majesty and the States General do engage to use all possible offices and endeavours, and to proceed even to forcible means, if it be necessary, in short to take all due measures in concert with his Most Christian Majesty to oblige his Catholic Majesty and the Spaniards to send him back without delay out of Spain or the Duchy of Milan. This article shall have the same force as if it were inserted, word for word, in the Treaty to which it relates, and it shall be registered in the Parliament of Paris immediately after the death of his Catholic Majesty without issue.

Made and signed at London, by us Plenipotentiaries of France and England, the 3rd of March, 1700, N.S., and the 1st of February, 1699, O.S.; and at the Hague, by us Plenipotentiaries of France and the States General, the 25th of the said month of March, 1700. *Signed* and *Sealed*—

(L.S.)	TALLARD.	(L.S.)	BRIORD.
(L.S.)	PORTLAND.	(L.S.)	JERSEY.
(L.S.)	J. VAN ESSEN.	(L.S.)	F. B. DE REEDE.
(L.S.)	A. HEINSIUS.	(L.S.)	W. DE NASSAU.
(L.S.)	DE WEEDE.	(L.S.)	W. VAN HARREN.
(L.S.)	AR. LEMKER.	(L.S.)	VAN HEECK.

[The text of the powers given to Count de Tallard and Count de Briord are again inserted in full.]

We, liking well the said secret article with all its contents, have accepted, approved, ratified and confirmed, and by these presents, signed with our hand, do accept, approve, ratify and confirm the same, promising by the faith and on the word of a King, to perform, observe and cause it to be observed sincerely and faithfully without doing or suffering any thing to be done to the contrary, directly or indirectly, for any cause or occasion whatsoever. In Witness whereof, we have caused our seal to be affixed to these said presents. Given at Versailles, the 9th day of April, in the year of Our Lord, 1700, and of our Reign, the 57th. *Signed* Lewis, by the King, Colbert. *Endorsed* Read H. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(m^1) 26 Feb. Louis XIV.'s declaration that he is satisfied with the Duchy of Milan in exchange for any right the Dauphin may have to the Spanish Crown. *Signed* at Versailles, 9 April, 1700, Louis, par le Roi, Colbert. *French Text. Endorsed* (No. 4). Delivered by Ld. Chamberlain, 26 Feb., 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

(m^2) Translation of preceding, as follows:—

The King's Declaration—

Lewis, by the grace of God, King of France and Navarre, To all those who shall see these present letters, Greeting. Know ye, that to prevent the sad effects that the death of our most dear and most beloved brother and brother-in-law the King of Spain without issue, and the differences on account of his succession might produce, a Treaty has been made between us, our most dear and beloved brother the King of England, and our most dear and great friends the States General of the United Provinces of the Low Countries, signed at London, the 3rd day of March, 1700, and at the Hague, the following 25th of the same month of March, and ratified this day. And whereas by the 4th and 6th articles of the said Treaty, the said succession is regulated, and a partition made in favour of our most dear and most beloved only son the Dauphin, and of our most dear and most beloved brother and cousin the Archduke Charles of Austria, second

son of our most dear and most beloved brother the Emperor, upon condition, that by us solemn acts thereof shall be made in the strongest and best form that may be, to be delivered at the time of the ratification, of all that is contained in the 4th and 6th articles of the said Treaty above mentioned, and others at the time of the death of our said brother and brother-in-law the Catholic King without issue, which last shall in this case be acts of acquittance and renunciation then present. And whereas we desire nothing more than to fulfil the said Treaty and to prevent all manner of disputes which might happen upon the account of the said succession. For these and other causes us hereunto moving, we have said and declared, and by these presents signed with our hand do say and declare, as well in our own name as in the name of our said only son the Dauphin, his issue, males or females, heirs and successors, born and to be born, and to this effect we have likewise given power and permission to our said only son the Dauphin, that the case of the death of our said brother and brother-in-law the King of Spain coming to pass, we will hold our self satisfied, as by these presents we do hold ourself satisfied, with the partition and with the equivalent for the Duchy of Milan assigned to our said only son the Dauphin by the 4th article of the said Treaty, and by the secret article, in extinction of all his rights, actions and pretensions to the succession of Spain, without any exception or reserve, and so as neither we or our said only son shall pretend anything more. And that in consideration of the said partition and equivalent for the Duchy of Milan assigned to our said only son, we will declare at the time of the death of our said brother and brother-in-law the King of Spain that we will yield and transfer, as in the said case we do yield and transfer by this present act, as well in our own name as in the name of our said only son, his issue, males or females, heirs and successors, born and to be born, to our said brother and cousin the Archduke Charles, his issue and descendants, males or females, heirs and successors, born and to be born, pursuant to the said Treaty, all the other rights and pretensions that in such case we or our said only son, his issue, males or females, heirs and successors, born and to be born, shall or might have to the said succession of Spain, without any exception or reserve, but of the partition and equivalent assigned to our said only son by the 4th article and by the secret article of the said Treaty, we consent and agree, in pursuance of the 6th article of the said Treaty, that the Crown of Spain and all the other kingdoms, islands, states, countries and places, which at this time depend thereupon, as well within as without Europe, assigned to our said brother and cousin the Archduke, do remain or abide to him in partition, in entire propriety and full possession, the same to be enjoyed by him, his issue, males or females, heirs and successors, born and to be born, for ever, without being at any time molested by us, our said only son, his issue and descendants, males or females, heirs and successors, born and to be born, under any pretence whatsoever of rights or pretensions, directly or indirectly, even by cession, appeal, revolt or any other way whatsoever. Moreover, we declare, as well in our own name as in the name of our said only son, his issue, males or females, heirs and successors, born and to be born, that we will renounce in consideration of the said partition and equivalent for the Duchy of Milan, at the time of the death of our said brother and brother-in-law the King of Spain, as in this case we do renounce by these presents, all rights, actions and pretensions which appertain to us, or to our said only son, and which might appertain to us upon the said Crown of Spain, and upon the other kingdoms islands, states, countries and places, as well without as within Europe,

1700–1701. — No. 1599. which at this time depend thereupon, and which by the said Treaty are yielded and assigned to our said brother and cousin the Archduke Charles, his issue and descendants, males or females, heirs and successors, born and to be born. Lastly, we do promise, as well in our own name as in the name of our said only son the Dauphin as above said, that we will contribute with all our power for procuring to our said brother and cousin the Archduke, his issue and descendants, males or females, heirs and successors, born and to be born, as also to those who are mentioned in the 9th article of the said Treaty, all the effects and enjoyment of the said Treaty, and that we will observe it and cause it to be observed inviolably. We consent that the present act or declaration, which has been made double, be deposited in the hands of our said brother the King of Great Britain, as likewise in the hands of the States General, there to remain till the death of our said brother and brother-in-law the King of Spain without issue, presently after which we will cause an act to be made like unto this, wholly unconditional, and for the case then become present, by which we will approve and confirm anew the said Treaty, as well in our own name as in the name of our said only son, his issue and descendants, males or females, heirs and successors, born and to be born. And we will cause it to be delivered to our said brother and cousin the Archduke. Promising not to enter into possession of the partition of our said only son, nor to suffer him to enter into it before the said act be delivered as above. We will likewise and intend that this present declaration be executed and have its full and entire effect, even though there should be any stop put to the delivering of that which ought to be made out presently after the death of our said brother and brother-in-law the King of Spain. In Witness of which we have caused our seal to be put to these presents. Given at Versailles, the 9th day of April, in the year of Grace, 1700, and of our reign, the 57th. *Signed* Lewis, by the King, Colbert. *Endorsed* Read in Ho. Peers, 12° Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(n^1) 26 Feb. The Dauphin's declaration to the same effect as preceding. *Signed* at Versailles, on 9 April, 1700, Louis, par Monseigneur le Dauphin, Colbert. It embodies the Second Partition Treaty and the separate and secret articles (Papers (*i*), (*k*), (*l*) above), together with the pleinspouvoirs of the King and the Dauphin to MM. Tallard and Briord. *French Text.* *Endorsed* (5). Delivered by Lord Chamberlain, 26 Feb., 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

(n^2) 26 Feb. Translation of preceding, omitting the Treaty, the separate and secret articles and the King's pleinspouvoirs. It is as follows:—

The Dauphin's Declaration:—

Lewis, Dauphin of France, the King's only son, To all who these present letters shall see, Greeting. Know ye that having read and examined the Treaty made between the King, our most honoured Lord and father, our most dear and most beloved brother the King of England, and our most dear and great friends the States General of the United Provinces of the Low Countries, signed at London, the 3rd March, 1700, and at the Hague, the following 25th day of the said month of March, to settle the succession of the Crown of Spain, in case our most dear and most beloved brother and uncle the Catholic King should come to die without children, and to prevent the melancholy consequences which such a case might give birth to, unless timely

provided against, as also the separate and secret articles, whereof the contents follow:— 1700–1701.

[Here is inserted the Treaty and the separate article and secret article.] No. 1599.

The King's permission to the Dauphin, of granting powers to Monseigneur de Tallard:—

Lewis, by the grace of God, King of France and of Navarre, To all who these present letters shall see, Greeting. We have sent to our most dear and well-beloved the Count de Tallard, Lieutenant General of our Armies and in our Province of Dauphiné and our Ambassador Extraordinary in England, a power to treat, conclude, agree and sign, with such persons as shall have a like power from our most dear and most well beloved brother the King of Great Britain, and from our most dear and great friends the States General of the United Provinces of the Low Countries, such articles and conventions as shall be judged necessary for preventing the events which might interrupt the public tranquillity; and we have been willing at the same time, that we might omit nothing that lies in our power, to authorise our most dear and most beloved only son the Dauphin to give, on his part, all the necessary acts to the same purpose. For these causes and others, us thereunto moving, we have permitted and do permit by these presents, that our only son do give unto the said Count de Tallard, all the necessary powers to treat and transact concerning the rights and pretensions, and consequently to make the renunciations which may be therein stipulated; Promising on the faith and word of a King, to approve the same, and to consent that they shall be accomplished and put in execution, as fully and in the same manner as what shall be done in pursuance of the power which we ourselves have given to the Count de Tallard. In Witness whereof we have signed these presents with our own hand, and caused the same to be sealed with our secret seal. Given at Versailles, this 26th day of March, in the year of Grace, 1699; and of our reign, the 56th. *Signed* Lewis; and on the fold, by the King, Colbert; and *Sealed* with the secret seal.

[The text of the powers granted by Monseigneur to the Count de Tallard is then inserted in full.]

The Dauphin's Declaration.

We declare, in pursuance of the power and permission granted to us by the King, our most honoured Lord and father, and of the power which we have given to our dear and well-beloved Camille d'Hostun, Count de Tallard, Lieutenant-General of his Armies and in his Province of Dauphiné and his Ambassador Extraordinary to our said brother the King of Great Britain, and our dear and well beloved Gabriel, Count de Briord, Marquis de Senosan, Councillor in his Councils and his Ambassador Extraordinary to the said States General of the United Provinces of the Low Countries, that we have allowed, approved and ratified, as we do allow, approve and ratify by these presents, the said Treaty, and the separate and secret articles according to their form and tenor, and that we will oblige and engage, as we do oblige and engage ourselves, to observe and cause to be observed the said Treaty and the separate and secret articles on the same conditions, obligations and guarantees therein expressed, which shall have the same force as if they were here anew repeated, and particularly the 4th and 6th articles of the said Treaty, by which a partition is made of the said succession of Spain in our favour, as also in favour of our most dear

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and most beloved brother and cousin the Archduke Charles of Austria, second son to our most dear and most beloved brother the Emperor, on condition that by us shall be made the present act in the most effectual, the best and the most solemn form that may be, to be delivered at the time of the ratification of all that is contained in the said 4th and 6th articles of the Treaty above-mentioned and others at the time of the death of our said brother and uncle the Catholic King without issue, which last acts shall be in that case acts of acquittal and renunciation which shall then be present, and desiring nothing more than to fulfil the said Treaty and the separate and secret articles and to prevent all manner of disputes which might happen on the occasion of the said succession. For these causes and others, us thereunto moving, we have said and declared, as we do say and declare by these presents, as well in our name as in the name of our children, male and female, heirs and successors that now are or hereafter shall be born, that the said case happening we shall hold ourselves satisfied, as in the said case we do hold ourselves satisfied by these presents, with the share and the equivalent for the Duchy of Milan, unto us assigned by the 4th article of the said Treaty and the secret article, in extinction of all our rights, actions and pretensions upon the succession of Spain without any exception or reserve, and so as we shall not be able to pretend anything further, and that hereafter in consideration of the said share or equivalent for the Duchy of Milan unto us assigned and the said case coming to pass, we declare that [we] will then yield and transfer at the time of the death of the King of Spain, as in the said case we do yield and transfer by these presents, as well in our own name as in the name of our children, male or female, heirs and successors that now are or hereafter shall be born, to our said brother and cousin the Archduke Charles of Austria, his heirs and successors that are or hereafter shall be born, conformable to the 9th article all our other rights, actions and pretensions which in such case we and our children, male or female, heirs and successors that now are or hereafter shall be born, shall or may have on the said succession of Spain, without any exception or reserve, saving only what is allotted us by the 4th article and the secret articles for our share and equivalent of the Duchy of Milan. We consent and allow that in pursuance of the 6th article of the said Treaty, the Crown of Spain and all the other kingdoms, islands, states, countries and places now depending thereon, both within and without Europe, allotted to our said brother and cousin the Archduke, be given and remain, as his share to our said brother and cousin the Archduke, his children and descendants, male or female, heirs and successors that now are or hereafter shall be born, for ever, so as they may never be molested by us or our children and descendants, male or female, our heirs and successors that now are or hereafter shall be born, under any pretence whatsoever, of rights or pretensions, directly or indirectly, even by cession, appeal, revolt or any other way. And, moreover, we declare, as well in our own name as in the name of our children and descendants, male or female, heirs and successors that now are or hereafter shall be born, that we renounce, in consideration of the said share, at the time of the decease of our said brother and uncle the King of Spain, all the rights, actions and pretensions which shall or may belong to us, upon the said Crown of Spain and upon all the other kingdoms, islands, states, countries and places, as well without as within Europe now depending thereon, and which by the Treaty are yielded and assigned to our said brother and cousin the Archduke, and to his children, male or female, his heirs and successors that now are or hereafter shall be born.

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In fine, we promise, as well in our own name as in the name of our children and descendants, male or female, heirs and successors that now are or hereafter shall be born, that we will contribute with all our power to our said brother and cousin the Archduke, his children and descendants, male or female, heirs and successors that now are or hereafter shall be born, as also to all those who are mentioned in the 9th article of the said Treaty, their having all the effect and enjoyment of the said Treaty and secret article; and we consent that this instrument, which shall be made double, shall remain in trust in the hands of our said brother the King of Great Britain, as also of the said States General, until the death of our said brother and uncle the King of Spain without issue; immediately after which we will cause to be made an act like unto this, wholly unconditional, for the case which will then be present, by which we will approve and confirm anew the said Treaty and the separate and secret articles, as well in our own name, as in the name of our children and descendants, male or female, heirs and successors that now are or hereafter shall be born, and will cause the same to be delivered to our said brother and cousin the Archduke. Promising not to enter into possession of the said share before the said act be delivered. We will also and intend that the present declaration be put in execution and have its entire and full effect, even though there should happen to be some delay in delivering that which is to be despatched after the death of our said brother and uncle the King of Spain. In Witness whereof, we have signed these presents with our own hand, and have caused our ordinary seal to be affixed thereto. Given at Versailles, the 9th day of April, 1700. *Signed* and *Sealed* Lewis, by Monseigneur the Dauphin, Colbert. (L.S.) *Endorsed* Read Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(o^1) 14 March. List of five papers (*see* next five papers) delivered by Mr. Yard and read this day. L. J., XVI. 622. *In extenso.* [*See* Notes above.]

(o^2) 14 March. Copy of William III.'s full power to E. Portland and E. Jersey to treat with Louis XIV. and the States General, as follows:—

Gulielmus Tertius, Dei Gratiâ, Magnæ Britanniæ, Franciæ et Hiberniæ Rex, fidei Defensor, &c. Omnibus ad quos præsentes literæ pervenerint, Salutem. Quum ad conservandam universæ Europæ quietem plurimum conducere arbitramur, ut de efficacissimis mediis quibus redintegratæ pacis beneficia confirmari ac conservari possint, sedulo et opportune provideatur neque ullum publicæ tranquillitati immutandæ periculum evidentius imminere quam si eveniat ut Rex Catholicus, nullam sobolem superstitem relinquens, moriatur, (illum vero Regem diu superesse exoptamus), ac proinde principes illam successionem non tam jure quam viribus vindicantes crudelissimum bellum per tota florentia regna, provincias ditionesque excitent, quumque Nobis spes maxima elucescat haec bella averti posse atque omnia amice et feliciter componi, si de cujusque rationibus et commodis in medium provide consuleretur. Quum Nobis denique innotescat Serenissimum Principem et Domm. Domm. Lodovicum XIV, Regem Christianissimum, ac Præpotentes Domos. Domos., Ordines Generales Fœderatarum Belgii Provinciarum, in eodem prorsus animo esse. Sciatis igitur quod Nos fide, prudentia, ac in rebus gerendis usu præfidelis et perquam dilecti consanguinei et conciliarii Nostri Gulielm., Comitis Portlandiæ, Vice Comitis de Cirencester, Baronis de Woodstock, Ordinis Nostri Periscilidis Equitis, necnon præfidelis et perquam

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dilecti consanguinei et conciliarii Nostri Edwardi, Comitis de Jersey, unius primariorum Secretariorum Nostrorum Status, plurimum confisi, eosdem fecimus, ordinavimus et deputavimus, ac per præsentes facimus, ordinamus et deputamus veros et indubitatos commissarios et plenipotentiarios Nostros, dantes et concedentes eisdem aut eorum alteri plenam et omnimodam potestatem atque authoritatem, pariter et mandatum generale ac speciale, ut pro Nobis et Nostro Nomine cum præfatorum Serenissimi Regis Christianissimi ac Dominorum, Ordinum Generalium Fæderatarum Belgii Provinciarum, commissario ac plenipotentiario sive commissariis ac plenipotentiariis de et super præmissis conveniant, colloquantur ac tractent, eaque omnia perficiant et concludant quæ ad bella de successione Hispanica avertenda stabiliandamque Europæ pacem omni meliori modo faciant et conducant, promittentes bona fide, et in verbo regio, Nos omnia et singula, quæ a dictis commissariis ac plenipotentiariis Nostris, vel eorum altero, vi præsentium, conclusa fuerint, grata rata et firma habituros, nec contra eorum aliquid contraventuros, sed eadem sancte et inviolabiliter observaturos. In quorum omnium majorem fidem ac robur, hasce literas Manu Nostra Regia signatas, Magno Nostro Angliæ Sigillo muniri fecimus. Quæ dabantur in Palatio Nostro, apud Kensington, die 2 Mensis Januarii, Anno Domini $\frac{1699}{1700}$, Regnique Nostri Undecimo. *Signed* Gulielmus R. *Endorsed* (1) Copie du plein pouvoir, &c., touchant la succession d'Espagne, 2 Jany., $\frac{99}{1700}$. [Delivered at the Table by Mr. Yard this day, and read. L. J., XVI. 622.]

(o^3) 14 March. Copy of the Warrant under the King's Sign Manual, to the Lord Chancellor, John, Lord Somers, for affixing the Great Seal to the power to treat with the French Ambassador, &c. (preceding paper). *Dated* Kensington, 2 Jan., $\frac{1699}{1700}$. *Signed* by his Majesty's Command, Ja. Vernon. *Endorsed* (2). [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(o^4) 14 March. Copy of William III.'s ratification of the Second Partition Treaty, as follows:—

Gulielmus Tertius, Dei Gratiâ, Magnæ Britanniæ, Franciæ et Hiberniæ Rex, Fidei Defensor, &c. Omnibus et singulis ad quos præsentes literæ pervenerint, Salutem. Quandoquidem inter Nos et Serenissimum ac Potentissimum Principem et Dominum Dominum Ludovicum XIV, Regem Christianissimum, et Celsos ac Præpotentes Dominos Dominos, Ordines Generales Fæderatarum Belgii Provinciarum, per ministros speciatim deputatos ac plenâ potestate munitos; Nostrâ scilicet ex parte per Nostros perquam fideles consanguineos et conciliarios Gulielmum, Comitem Portlandiæ, Vice Comitem de Cirencester, Baronem de Woodstock, Ordinis Nostri Periscilidis Equitem et consiliis Nostris intimis; et Edwardum, Comitem de Jersey, Vicecomitem Villiers de Dartford, Baronem de Hoo, Equitem Marescallum Angliæ, Secretarium Nostrum Statûs Primarium et consiliis itidem Nostris intimis: ex parte Regis Christianissimi, per Camillum d'Hostun, Comitem de Tallard, Regis ejusdem Christianissimi Legatum ad Nos Extraordinarium, ac indicti Regis exercitibus et in Provinciâ Delphinatus locum tenentem Generalem, et per Gabrielem, Comitem de Briord, Marchionem de Senosan, Conciliarium dicti Regis in omnibus suis consiliis et ad Dominos, Ordines Generales Foederati Belgii, Legatum Extraordinarium; ex parte vero Dominorum, Generalium Foederati Belgii Ordinum, per Dominos, Johannem de Essen, Consulem et Senatorem civitatis Zutphaniæ, Academiæ Hardervicensis Procuratorem,

Fredericum, Liberum Baronem de Rheede, Dominum de Liere, &c., ex Equestrium Ordine in Consessu Dominorum Hollandiæ et Westfrisiæ, Antonium de Heinsius, Conciliarium et Syndicum Hollandiæ, Magni Sigilli et Archivorum Custodem, Feudorum Præsidem et Moderatorem, Gulielmum de Nassau, Dominum d'Odijck, Cartgine, &c., Primum Nobilem eorumque Deputatum Repræsentantem in Ordinum Zeelandiæ Consessu, Eberhardum de Weede, Dominum de Dyckvelt, Rateles, &c., Dominum fundi civitatis d'Oudewater, Capituli Imperialis Sanctæ Mariæ Ultrajecti ad Rhenum Decanum, Consiliarium primarium et Præsidem Consessus ejusdem Provinciæ et aggerum fluminis Rheni Præfectum et Prætorem Summum, Gulielmum Van Harren, Biltiæ Frisiorum Grietman, in Consessu Ordinum Frisiæ a parte Nobilium Deputatum, Academiæ Franiceniæ Curatorem, Arnoldum Lemker, civitatis Devantriensis Consulem, et Joannem Van Heeck, civitatis Groningæ Senatorem, ut avertantur bella et dirimantur lites quæ ex morte Regis Catholici sine prole decedentis oriri possint. Vigesimo primo die mensis Februarii, Anno Millesimo Sexcentissimo Nonagesimo Nono, Stylo Veteri, Stylo autem Novo, tertio die Martii, Anno Millesimo Septingentesimo, tractatus Londini initus et conclusus sit forma, modo et tenore sequenti.

Fiat Insertio Tractatus.

Nos supra descripto tractatu rite examinato eundem in omnibus et singulis ejus articulis approbavimus et confirmavimus et firmum ratumque habuimus, sicut per præsentes pro Nobis hæredibus et successoribus Nostris approbamus, confirmamus et firmum ratumque habemus, spondentes et in verbo regio promittentes Nos præfatum tractatum omniaque in eo contenta bonâ fide observaturos et executioni mandaturos. In quorum majus robur et testimonium præsentes Manu Nostrâ Regiâ signatas, Magno Nostro Angliæ Sigillo muniri fecimus; quæ dabantur apud Aulam Nostram de Kensington, Undecimo Die mensis Martii Secundum, Stylum Veterem, Anno Millesimo Sexcentesimo Nonagesimo Nono, regnique Nostri Duodecimo. *Signed* Gulielmus R. *Endorsed* (3). Copie de l'Acte de ratification du Traité pour la France, comme aussi pour la Hollande. [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(o^5) 14 March. Copy of William III.'s ratification of the separate and secret articles of the Second Partition Treaty, as follows:—

Gulielmus Tertius [&c., as in preceding] omnibus et singulis ad quos præsentes literæ pervenerint notum testatumque facimus, Quandoquidem perquam fideles consanguinei et conciliarii Nostri Gulielmus, Comes Portlandiæ, &c., et Edwardus, Comes de Jersey, &c. praeter tractatum de successione Hispanicâ. die vigesimo primo mensis Februarii, Anno Millesimo Sexcentesimo Nonagesimo Nono, Stylo Veteri, Stylo autem Novo, tertio die Martii, Anno Millesimo Septingentesimo, Londini, et die vigesimo quinto Martii, Anno Millesimo Septingentesimo, Stylo Novo, Hagæ, Comitum conclusum cum Camillo d'Hostun, Comite de Tallard, &c., et cum Gabrieli, Comite de Briord, &c.; necnon cum Dominis, Johanne de Essen, &c., [and so on with the rest of the Dutch Plenipotentiaries mentioned in preceding paper], virtute plenarum potentiarum iisdem itidem respective concessarum insuper in articulum $\frac{\text{separatum}}{\text{secretum}}$ convenerunt, cujus tenor hic sequitur.

Fiat insertio articuli $\frac{\text{separati}}{\text{secreti}}$.

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Nos supra descripto articulo $\frac{\text{separato}}{\text{secreto}}$ rite perpenso eundem ac quicquid in eo continetur, ratificavimus et confirmavimus, sicut per præsentes pro Nobis, hæredibus et successoribus Nostris, confirmamus ratumque habemus, non aliter ac si descriptus articulus $\frac{\text{separatus}}{\text{secretus}}$ in dicto tractatu de verbo in verbum insertus esset, spondentes et in Verbo Regio promittentes Nos descriptum articulum $\frac{\text{separatum}}{\text{secretum}}$ forca fide observaturos, neque in quopiam contraventuros aut contraveniri passuros. In quorum majus robur præsentes Manu Nostrâ Regiâ signatas [&c., as in preceding]. *Signed* Gulielmus R. *Endorsed* (4). Copie de l'acte de ratification de l'article $\frac{\text{separé}}{\text{secret}}$ pour la France comme aussi pour la Hollande. [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(o^6) 14 March. Copy of William III.'s Warrant, under his Sign Manual, to John, Lord Somers, Lord Chancellor, for affixing the Great Seal to the Second Partition Treaty and to the separate and secret articles, to be exchanged with the French King and the States General. *Dated* Kensington, 10 April, 1700. *Signed*, by his Majesty's command, Jersey. *Endorsed* (5). [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(p) 17 March. Copy of William III.'s pleinpouvoir, under his Sign Manual, to E. Portland and E. Jersey to treat with the Emperor, France and Holland, 1 July, 1699. *Endorsed* as received this day.

(q^1) 18 March. King William III.'s Message, under his Sign Manual, communicating to the House this day the next two papers. *Dated* Kensington, 17 March. L. J., XVI. 626–27. *In extenso.*

(q^2) 18 March. Proposals made to the French Ambassador by Mr. Stanhope, to include the Emperor in the Partition Treaty, to exclude French troops from the Spanish Netherlands, that Ostend and Newport should be held by England, &c. C. J., XIII. 411. *In extenso. Endorsed* (1). [Presented by L. Chamberlain in preceding Message this day, and read. L. J., XVI. 626–7.]

(q^3) 18 March. Translation of the Resolution of the States-General for treating with M. D'Avaux, 22 March, 1700–1, in which stipulations corresponding to those proposed in the preceding paper are demanded, the towns to be surrendered to the States-General being Vento, Roermonde, Steevenswaardt, Luxembourg, Namur, Charleroy, Mons, Dendermonde, Damme and St. Donaas. C. J., XIII. 411–2. *In extenso. Endorsed* (2). [Presented by L. Chamberlain, in (q^1) above, this day, and read. L. J., XVI. 626–7.]

(r^1) 31 March 1701. King William III.'s Message, under his Sign Manual, communicating to the House, this day, the next three papers. *Dated* Kensington, 31 March, 1701. L. J., XVI. 638–9.

(r^2) 31 March. Extract out of the Register of the Resolutions of the States General, $\frac{\text{4 April,}}{\text{24 March,}}$ 1701, containing the Resolution to communicate to Mr. Stanhope Louis XIV.'s readiness to assent to the propositions of the States and to renew the Treaties of Ryswick. C. J., XIII. 462. *In extenso. Endorsed* (2). [Delivered by L. President this day in preceding Message, and read. L. J., XVI. 639.]

(r^3) 31 March. Translation of Resolution of the States General, 4 April, N. S. 1701, requiring Sieur Essen and others to represent to Mr. Stanhope that the States had equipped the ships required of them,

and that they were ready to join the English fleet; and desiring that the 10,000 men promised them by England be sent the sooner the better. C. J., XIII. 462. *In extenso.* *Endorsed* (3). [Delivered by L. President this day, in (r^1) above, and read. L. J., XVI. 639.]

(r^4) 31 March. Translation of the Envoy of the States General's Memorial, dated 30 March 1701, communicating the substance of preceding Resolution to King William III. C. J., XIII. 462. *In extenso.* *Endorsed* (1). [Delivered by L. President this day and read. L. J., XVI., 639.]

(s) 2 April. Commons' Message to the Lords, for information concerning the negotiations for the Partition Treaty, communicated this day at the Conference. L. J., XVI. 642. *In extenso.*

(t) 3 April. E. Portland's paper, stating how, against his will, he had been persuaded by Mr. Secretary Vernon to undertake the negotiations for the Treaty with the Emperor, the French King and the States. Delivered this day, and read. L. J., XVI. 643. *In extenso.*

(u) 9 May. Papers presented, by command, this day, by L. Chamberlain. They are as follows, viz.:—

(u^1) 9 May. Copy of Mr. Stanhope's letter to Mr. Secretary Hedges, as to his inclusion in the Conference between the States General and the French Ambassador, and as to hastening the succours from England. *Dated* at the Hague, $\frac{13}{2}$ May, 1701. L. J., XVI. 674. *In extenso.*

(u^2) 9 May. Translation of the States General's letter to King William III., on same subjects as preceding paper. *Dated* at the Hague, 13 May, 1701. *Signed* The States General of the United Provinces. H. Wichers. By order of the States, J. Fagel. L. J., XVI. 674–5. *In extenso.*

1600. March 13. City of London Trust Act.—Amended Draft of an Act for transferring a trust in lands belonging to the city of London unto new trustees. The amendments, made in the Select Committee, were to insert the names of the new trustees. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 12 June 1701. L. J., XVI. 620, 739. 13 Will. III. c. 29 in Long Cal. *See* Com. Book 29 March 1701.]

Annexed:—

(a) 7 March. Petition of the Lord Mayor, Aldermen and Common Council of the city of London. Charles I., in consideration of great sums of money advanced and paid to him by Petitioners' predecessors, granted by Letters Patent divers lands and manors in several counties in fee farm to Edward Ditchfield, John Highlord, Humphry Clerk and Francis Mosse, in trust for Petitioners, which property by mean assignments became afterwards invested in John Stone, Nathaniel Manton, Methuselah Turner and Thomas Benson, in trust for Petitioners. All these trustees are dead, and Petitioners cannot discover the right heir of the survivor, in whom the estate is legally vested, so that they cannot make leases, &c. Pray leave to bring in a Bill to revive the trust. *Signed* Ashhurst. [Read this day and leave given to bring in a Bill. L. J., XVI. 615.]

(b) 29 March 1701. Paper of amendments made in the Select Committee this day. The amendments were to insert the names of the new trustees. Com. Book.

1700–1701. — No. 1601.

1601. March 14. Writ of Summons (E. Sussex).—Writ of Summons to Thomas, E. Sussex. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 622.]

1602. March 17. Writ of Summons (L. Willoughby of Parham).—Writ of Summons to Hugh, L. Willoughby de Parham. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 624.]

1603. March 17. Lester *v.* Foxcroft.—Petition and Appeal of Ralph Lester, citizen and plasterer of London. Isaac Foxcroft let to Appellant some of his land in the parish of St. Giles on a building lease, at a rent of 150*l.* after the first year, under a verbal agreement. Appellant accordingly built 14 houses upon the land, borrowing part of the money from Foxcroft.

Foxcroft made his Will, leaving the property to his second son, and charged Appellant's wife to get a lease drawn according to the agreement with Appellant. This was done. The lease was brought to him to sign, but, owing to a mistake having been made in a name, he died without executing it, and Respondents, who have been applied to since his death, have refused to execute the lease. Appellant therefore exhibited his Bill in Chancery against them to compel them to carry out the agreement and execute the lease, but the Lord Keeper declared that there was not sufficient proof of the agreement and dismissed the Bill. Appeals from this dismission. *Signed* by Appellant. *Countersigned* J. Jekyll, Hen. Poley. L. J., XVI. 625.

[The Cause was heard on 7 April. *Mr. Solicitor,* for the Appellant: The Appellant built several houses—part of Wilde House. *Mr. Pooley,* for the Appellant: There is an evidence of an agreement; I don't say what it was. Then the lease makes it appear that there was an agreement in writing. They propose to read the lease in which the name was mistaken. *Counsel* for the Respondents agree to read it, though no proof [appears] of its being read before. *Mr. Webb,* for two of the Respondents: We pray the lease may be executed. This I pray for Eliza Foxcroft and Benjamin Williams. *Sir Thomas Powys* and *Mr. Dodd* are also heard for Respondents. *Ordered* that the Decree be reversed and a lease executed. MS. Min. L. J., XVI. 645.]

Annexed:—

(*a*) 26 March 1701. Several Answer of Henry and Isaac Foxcroft, infants, by Francis Nicholson, their guardian, and of Francis Nicholson himself. Isaac Foxcroft, the father, by his Will left his premises, in the parish of St.-Giles-in-the-Fields, to his son Isaac, making Respondent Nicholson his guardian. Nicholson was also quite willing to manage the property, but Elizabeth Foxcroft, who was her father's executrix, did not allow the tenants to pay him any rents. It is unlikely that the Appellant was in any way concerned in the building of the houses, except as a paid servant, and very improbable that Foxcroft should have lent him money without any security or agreement in writing. Moreover, if there had been an agreement ready for execution Appellant would not have waited for three years without getting it executed, but, as it was not put into writing, the estate is not affected by it. Pray that the Appeal may be dismissed with costs. *Signed* Fra. Nicholson. *Countersigned* Tho. Powys, Jo. Clapham. *Endorsed* as brought in this day.

(*b*) 27 March. Answer of Elizabeth Foxcroft and Benjamin Whichcott. Isaac Foxcroft having purchased Wilde House and the ground belonging to it, and intending to let the land upon

building leases, agreed to give the Appellant a 99 years' lease of part of the land. By his Will he left Elizabeth 10,000*l.* and made her executrix, and she, being satisfied that he intended to execute the lease, is willing, as is Respondent Whichcott, that it should be executed now, if their Lordships think fit, and the more so as otherwise the debt due from Appellant to the estate will be lost, and Respondent will not get her legacy, or be able to pay the other legacies and debts of the Testator. *Signed* by Respondents. *Countersigned* Hen. Penton. *Endorsed* as brought in this day.

1604. March 18. Dormer *v.* Bertie.—Petition and Appeal of John Dormer, Esq., of Ascott, in the county of Oxford. Robert Dormer, of Dorton, in the county of Buckingham, who had an estate in that county worth 2,000*l.* a year and also possessed personal estate to the value of 20,000*l.*, died without issue in 1693. His real estate ought to have come to Appellant as his heir-at-law, but Peregrine Bertie, Charles Bertie and Henry Bertie, Esqs., who were half brothers to Robert Dormer's mother, and Henry Cane, set up a Will, dated 1693. By this Will 200*l.* a year was left to Charles Dormer, (half brother of Robert), 200*l.* a year to each of the younger brothers, William, Robert, Phillip and James, and 1,000*l.* to Frances Dormer, (half sister of Robert), the residue of the real and personal estate was to go to the Berties and Cane, who were to be executors. Cane and the Berties also claim under the Will a most noble seat which cost 20,000*l.* to build, a real estate of about 1,000*l.* a year and a personal estate of 20,000*l.* Appellant exhibited his Bill in Chancery claiming the surplus of the real estate beyond the bequests and three years' profits after the Testator's death of the lands left to the Berties and Cane. By mismanagement of Appellant's agents evidence was not taken to show that the executors were only acting as trustees for the Appellant as heir-at-law. His Bill was therefore dismissed. Appeals against the dismission. *Signed* by Appellant. *Countersigned* Wm. Whitelocke, Wm. Dobyns. L. J., XVI. 627. [The Cause was heard on 5 May 1701. *Mr. Cooper*, for the Appellant: The matter arises upon the words of the Will. The question is whether these words import a trust for the benefit of the heir-at-law. *Sir W. Whitelocke*, also for the Appellant, cites the case of Coke *v.* Guavas. Bassett *v.* Hungerford cited: We desire the reversal of this dismission and that we have a Decree for the Appellant to enjoy the overplus of the estate. They read the Will. They read depositions—the wood near 3,000*l.* *Sir Thomas Powys* and *Mr. Pooley* are heard for the Respondents and *Mr. Serjt. Selby* for the half brothers. Appeal dismissed. MS. Min. L. J., XVI. 667.]

Annexed:—

(*a*) 31 March 1701. Answer of the Hon. Charles Bertie and Henry Bertie, Hon. Bridgett Bertie, Anthony Henley, Esq., and Mary, his wife, (daughter of the Hon. Peregrine Bertie, deceased), and of Henry Cane, Matthew Cane, Charles Cane and John Cane, (four of the sons of Henry Cane, sen., Gent., deceased). Robert Dormer was indebted to divers persons to the amount of 14,000*l.*, and his personal estate was not nearly enough to pay his debts. His devise to the executors was in their own right and not in trust for the Appellant, whom by his Will he excluded from any interest in the estate. In his life time he declared that his cousin, (the Appellant), had spent a good part of his father's estate and he was resolved that he, (Appellant), should

1700–1701. — No. 1604.

never spend his. He was disgusted with Appellant for not visiting him, and also on account of a breach and separation which had happened in Appellant's family. There are no words in the Will implying any such trust and it is unlikely that persons in the position of the Berties would be made trustees for Appellant. The testator's debts exceeded his personal estate by eight or nine thousand pounds and sufficient money could not be raised to pay them. The residue is worth about 400*l.* a year. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Hen. Poley. *Endorsed* as brought in this day.

(*b*) 1 April. Answer of John Dormer, of Rowsham, Esq., Charles, William, Robert, Philip and James Dormer, Esqs. Respondents do not know what the surplus of Robert Dormer's estate will amount to or to whom it belongs, but leave it to the House to decide. Pray that they may have the benefit of the Will and the Orders appealed against, and that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Ja. Selby. *Endorsed* as brought in this day.

(*c*) 7 April. Petition of Appellant that the Hearing may be put off for some days. *Endorsed* as read this day. *Ordered* to be heard on Tuesday in next week. L. J., XVI. 644.

1605. March 19. Bennett's Estate (Poor of West Kirby) Act.—Amended Draft of an Act for vesting [of]* the estate of Thomas Bennett, late of Newton-cum-Larton, in the county of Chester, in trustees for the use of the poor of West Kirby, pursuant to the Will of the said Thomas Bennett. The amendments, made in the Select Committee, in addition to several drafting amendments, were (1) to leave out the words, to the full value, before the words, for any term, in the clause providing for the letting of the residue by the trustees; (2) to leave out, before the general saving clause, the following proviso, viz., that this Act shall not extend to prejudice the right of any person claiming within two years after the 1st day of this Session of Parliament:—and to add the general saving clause at the end. The only amendment in the Commons was of a clerical nature. C. J., XIII. 525. [Read 1ª this day. Royal Assent 12 June 1701. L. J., XVI. 627, 739. 13 Will. III. c. 32 in Long Cal. *See* Com. Book April 5, 7.]

Annexed:—

(*a*) 13 March. Petition of the poor inhabitants of West Kirby, in the county of Chester, and others, the creditors and legatees of Thomas Bennett, of the said parish, deceased. Thomas Bennett, was seised of lands in Newton-cum-Larton, Newbold, Sanghall, Massie and Grange, worth 105*l.* a year. He devised them by Will, first for payment of his debts and legacies, then for raising 30*l.* a year for the master of the free school of West Kirby, and 24*l.* a year to buy so many gowns for 24 poor of the parish; the rest to be distributed among the said poor. His executors were George Day, since deceased, Henry Yonge and Ann Warrington, now the wife of Thomas Urmston. He gave the Newton estate to Ann Warrington for life, or 500*l.*, worth 30*l.* a year, with several legacies to others amounting to 700*l.* He also owed Mrs. Warrington 500*l.* by a Decree of 1671. There remains unpaid to Mr. John Warrington, her son, 520*l.*, and to Mr. Yonge 250*l.*, as appears by an order of the

* Omission in square bracket.

vestry annexed hereto. Most of the profits have been consumed by lawsuits and interest. Several commissions of pious uses have been sued out to call Yonge to account, but have failed. Petitioners, therefore, pray leave to bring in a Bill to vest the lands in the trustees named in the Act, as the executors are weary of their charge on account of the many vexations they have met with. The trustees are to have power to sell certain property specified in the Act, worth 40*l.* a year, for discumbering the residue, worth 65*l.* a year, the profits of which they are to dispose of according to the Will. *Signed* Hen. Yonge, executor, John Warrington, Josiah Yonge, Thomas Urmston, Ann Urmston, by her mark, Josiah Daye, Joseph Rathbone and Thomas Dalby, by his mark, churchwardens. L. J., XVI. 621.

(*b*) 13 March. Order of the inhabitants of West Kirby, at a parish meeting held in the parish church, promising to pay Henry Yonge 250*l.* and John Warrington 520*l.*, found due to them, which they agree to accept; and agreeing that Mr. Williamson's children shall have 40*l.* to reimburse some charges of a lawsuit against Henry Yonge. They promise to promote a Bill in Parliament for raising the money, and to repay John Whiteside 80*l.* which he has promised to lend them; and they appoint Edward Glegge, of Irby, Gent., agent for promoting the Bill. *Signed* by Ric. Wroe, Rector of Kirby, and nineteen other persons. *Dated* 12 Feb. 1699. On the back is an order of a vestry meeting on 2 April 1700 that there be a double leay [levy] collected. *Signed* Will. Walker, Curate, and five other persons. [Appended to preceding.]

(*c*) 7 April. Draft of a general saving clause added this day by the Select Committee. Com. Book.

1606. March 19. Lloyd *v.* Badger (In Error).—Copy Writ of Error and Transcript of Record with Tenor of Judgment affixed thereto. L. J., XVI. 627. This case arose on a question of ejectment. John Lloyd, senior, was seised of certain lands and conveyed them by lease and release to the use of himself, with remainder to John, his son, for his life, remainder to Elizabeth, wife of John, for her life, then remainder to trustees for preserving the contingent remainders, remainder to the first, &c., sons of John, the younger, in tail male, remainder to John, the elder, in tail male, remainder to John, the elder, in fee. John, the elder, had issue John, the younger, Thomas, Paul and Peter. John, the elder, made his Will and, reciting the settlement aforesaid, devised the lands after the death of John, the younger, without issue male, to Thomas and after the death of Thomas, without issue male, to Paul and, if Paul should die without issue male and none of his brothers living, then to Peter and his heirs for ever. It was argued that the words, and none of his brothers living, put the remainder in contingency, but Chief Justice Holt and the other Judges decided that it was a vested remainder. The words made no addition to the Will for the remainder could never take effect so long as Thomas or Paul lived. John Badger, the Plaintiff, entered on the lands in question as lessee of John Lloyd, grandson to the above John Lloyd, senior. Thomas Lloyd, the Defendant, claimed the lands as coming to him by the Will of Thomas Lloyd, son of John Lloyd senior, and ejected John Badger. The Plaintiff won his case in the King's Bench and it was affirmed in the Court of Exchequer.

1700–1701. — No. 1606. [The Writ of Error was brought in this day, and after several adjournments was heard on 23 May 1701. *Sir Thomas Powys* appears for the Plaintiff. *The Defendant* in the Writ of Error says: Sergeant Pratt is sick and his clerk is here ready to attest. *John Morley* (sworn) says: Sergeant Pratt is very ill and feverish; he came from him at eight o'clock and he was in bed. *Agreed* to pay the cost or hear it by one Counsel. Counsel were called in and told this. They are contented to hear it by one Counsel for Defendant. *Sir Thomas Powys* desires not to be prejudiced to his client to hear but one Counsel when his client has retained two. Counsel withdrew. MS. Min. No entry in L.J.

On 5 June *Sir Thomas Powys* opens the Cause for the Plaintiffs. *Sir Bartholomew Shore* heard for the Plaintiff. *Mr. Sergeant Pratt* heard for the Defendant, *Mr. Acherley* heard also for the Defendant. *Sir Thomas Powys* and also *Sir Bartholomew Shore* heard in reply. Counsel withdrew. *Ordered* that the Judgment shall be affirmed. MS. Min. L.J., XVI. 723. It was said that in the Courts below the Judges before whom the Cause was heard seem to make bargains in the Courts below. *Mr. Justice Powell* heard: There were several Judges there and Sir Bartholomew Shore argued it; we gave him another term. After it was argued, we came to think the Judges [of the] King's Bench had given a good judgment. *Moved* to call in the persons who gave the information to Lord Jeffreys. *Roger Green* (sworn). *Asked* whether he is concerned in interest? *He says* he is an attorney and solicitor in the Cause. *Told* he must give account of what Mr. Justice Powell said: When this Cause was argued in Sergeant's Inn, he said, Provided you will not bring a Writ of Error in Parliament, you shall have a new argument. In the Exchequer Chamber Lord Chief Baron was there, Mr. Justice Powell, Baron Berry and Tracy were there. He withdrew. *Mr. Baron Berry:* I was present. *Mr. Justice Powell* heard, says he said nothing, but said he asked pardon if he said anything that seemed wrongful. MS. Min.]

1607. March 21. Naval Stores.—Account of what naval stores have been imported by the Muscovy Company between 17 Sept. 1700 and 4 Feb. following. The account gives a list of importers, with the quantities of hemp in one column and tar and tarred ropes in another, imported by each importer, bringing out a total of—

	Tons.	Cwt.	Qrs.	Lbs.
Hemp - -	699	2	3	21
Tar, &c. - - -	14	4	0	0

At the foot of the account there is a note: This year is expected 3,000 barrels of tar and 1,500 tons of hemp, which is improved in goodness and proper for the use of the Navy. *Signed* Fran. Stratford, Edward Haistwell. *Endorsed* Naval stores imported in Anno 1700, from Archangel, in Russia. [Laid before the House, pursuant to Act, and read this day. MS. Min. L. J., XVI. 630.]

1608. March 22. Thicknesse *v.* Manwaring.—Petition and Appeal of Ralph Thicknesse and Elizabeth, his wife. Elizabeth's father Thomas Stockton, bought Nettles farm, in Cheshire, and mortgaged it for 250*l.* to John and Hugh Grosvenor. Then his mother Elizabeth Stockton, to keep it in the family, bought it for 300*l.*, and settled it on Petitioner, her granddaughter. On 12 Feb. 1700 Elizabeth Manwaring, as executrix of her late husband George Manwaring, obtained a Decree in the Court of Exchequer of the County Palatine of Chester, pronounced by Sir Christopher Greenfield, Knt., Vice-Chamberlain of

the County Palatine, for 42*l.* 10*s.* 10*d.* owing to her husband by Thomas Stockton, with 18*l.* costs. Appeal against this Decree, as Stockton left his daughter nothing, and the farm is not liable for his debts. *Signed* by both Petitioners. *Countersigned* R. Acherley, Tho. Maisterson. L. J., XVI. 632. [Dismissed for want of prosecution on 1 May 1702. L. J., XVII. 112.]

Annexed:—

(*a*) 29 April. Answer of Elizabeth Manwaring, executrix of George Manwaring, her late husband. The facts are untruly set forth by Appellants. The Decree is just. The Appeal should be dismissed with costs. *Signed* Eliz. Manwaring. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(*b*) 23 May. Petition of same. Appellants have not entered into recognizance, and their Appeal is for delay. Prays they made be ordered to enter into recognizance, and for a short day for the Hearing. *Signed* by Respondent. L. J., XVI. 700.

1609. March 22. D. Norfolk (Petition for Bill).—Petition of Henry, Duke of Norfolk. Petitioner, having been hindered by many months' sickness and other accidents, will be unable to pay the Lady Mary Mordant 10,000*l.* by 25 March 1701, as required by his Divorce Act, and, if some further time be not allowed for the payment of the same, he will lose great part of the benefit intended him by the Act, he having no power to make a jointure to a wife so long as the jointure mentioned in the Act is in force. Prays leave to bring in a Bill for enlarging the time for paying the 10,000*l.* *Signed* Norfolk, E.M. [Read this day. *Ordered* that the Petition be considered on Monday next. On 24 March, after debate [*Question* put, Whether leave shall be given to bring in a Bill to charge 10,000*l.* for the Lady upon my Lord Duke's estate?].* The *Question* was put, Whether this debate shall be adjourned to Wednesday next? *Resolved* in the negative. Contents 18, Not Contents 33: Tellers, L. Lawarr, L. North. Then the *Question* was put, Whether leave shall be given to bring in a Bill [to charge 10,000*l.* upon the jointure lands of his late Duchess]* according to the prayer of his Petition? *Resolved* in the affirmative, and leave given. MS. Min. L. J., XVI. 631, 632. No Bill was brought in.]

1610. March 24. Writ of Summons (E. Coventry).—Writ of Summons to Thomas, E. Coventry. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 632.]

1611. March 24. Prisons (King's Bench and Fleet) Bill.—Papers connected with the Bill for the regulating of the Prisons of the King's Bench and Fleet. [The Bill was brought from the Commons this day. L. J., XVI. 633. Several Petitions for and against were presented. *Ib.* 635, 636, 637, 638. (*See* Papers (*a*) to (*f*)). *Ordered* that the Petitioners be heard before the Second Reading. On 29 April 1701 Counsel were called in, for and against the Bill. *Mr. Dobbins* heard against the Bill, for E. Radnor. *Mr. Phipps* also heard for the same. *Mr. Dodd* heard for Mr. Lenthall: He has as much a right to it as any person to his estate, and settlements have been made upon it. This office has answered 2,000*l.* per annum. *Mr. Radford* heard for Moore and Seviar: They have 5,000*l.* dept. [dependent] on the Prison of the Fleet. *Mr. Serjeant Pratt*, for Mr. Clements: We have 5,000*l.* upon the Fleet. *Mr. Serjeant Carlsen* heard for the city of

* The words in square brackets have been struck out.

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London for the Bill. *Mr. Ward* heard against the Bill for the inhabitants of Westminster. The Bill was then read 2ª and committed to a Select Committee, to whom also was referred a Petition of Elizabeth Leave, read this day. (Paper (*g*).) MS. Min. L. J., XVI. 664.

On 3 May the House was informed that Elizabeth Leave and her mother were at the door, ready to make good the allegations in their Petition (Paper (*g*)) relating to the Warden of the Fleet. *Margery Leave* and *Elizabeth Leave* were sworn and the latter said: The allegations are true. They have arrested us and seized my mother and carried her to the Marshalsea. They bid me go to the House of Lords. He said he did not "value the Lords or what they could do for you." He said, Go to the Lords, and let them pay you your money. *Ordered* that Tilly be attached. MS. Min. (*See* Paper (*n*)). On 3 May, in the Select Committee, V. Longueville in the Chair, the Bill was read. The title and preamble were postponed. The enacting clauses are read. The *L. C. Justice* says the Bill is grounded on great reason, but the means proposed by the Bill fall short of the end. The Bill supposes country gaolers will be honester than the gaolers in town; but we find frequent complaints of them at the assizes. This Act alters the constitution. By this Act there is a charge on the sheriff which he is not now liable to. As the law now is, he is obliged to keep the prisoner no longer than he can bring the prisoner to the King's Bench or Fleet Prisons. If the sheriff die, the prisoner is in no man's custody till there be a new sheriff. This Bill dissolves the Prisons of King's Bench and Fleet, other than to take prisoners for contempt. Then the four Courts in Westminster Hall have no prisoners or officers, if these Prisons be dissolved. There are many more mischiefs which we cannot foresee. These are obvious. We have proposals, when you please to call for them. Then the said proposals were delivered in and read (Paper (*h*)). *Ordered* that E. Radnor and the prosecutors of the Bill may have copies of the said proposals. The Judges present say they have prepared clauses on those propositions, which by Monday next (5 May) they can have ready for their Lordships' consideration. Com. Book. On 6 May, L. C. Justice, L. C. Baron, and Mr. Justice Nevill attending, *L. C. Justice* delivers in clauses (Paper (*i*)) on the proposals delivered in the last day, which were read entire in the presence of the prosecutors of the Bill and such others as thought themselves concerned, none of whom thought fit to say anything against the same. They withdraw. The clauses were begun to be read by paragraphs. The first clause was read. *E. Radnor* offers a Draft of a Bill, which was read in presence of the *Counsel for the prosecutors of the Bill*, who, being asked if he has anything to say against it, *says:* This Bill will be of no manner of avail to the creditors of persons imprisoned in either of the said Prisons. It has not the shadow of a remedy. He withdraws. Com. Book. On 7 May the first of the clauses brought in yesterday by L. C. Justice is read. *Proposed* and *Agreed* that E. Radnor shall have a clause to save his interest. A Petition of Weedon Ford, Esq., to be heard is read (Paper (*k*)). *Agreed* to line 9 of Sheet 10. Com. Book. On 8 May the Bill is proceeded in. *L. C. Justice* offers two clauses (Paper (*l*)) which were read, and the first of them, marked A, to be brought in line 9 of Sheet 10 of the clauses formerly brought in by him; and the second clause, marked B, to come in after the line 1 of Sheet 12. *E. Radnor* offers a clause (Paper (*m*)) to be added to the Bill, which was read and agreed to be added at the end of the Bill. Then the preamble of the Bill was read and agreed to. Pr. 1, line 17, leave out from the

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word, the, to the end of the Bill, and read the clauses, marked + and Q, (Papers (*l*) and (*m*)). *Ordered* the Bill be reported with amendments. Com. Book.

The same day, 8 May, the Bill was reported with amendments and clauses, which were ordered to be engrossed, and on 10 May, on Third Reading, an amendment was made by adding the word, great, before the word, Haseley (Paper (*m*)), and a rider was also added. Then the Bill was referred to the same Select Committee to draw Reasons for the amendments to be offered at a Conference with the Commons. MS. Min. L. J., XVI. 670, 677. On 14 May, in the Select Committee, V. Longueville in the Chair, the Clerk produces a precedent of 10, 12, 17 April 1671, (viz., the Bill of impositions on foreign commodities), where amendments to the said Bill were delivered at a Conference, as also amendments made 6 April 1672 to an Address against Popery were delivered at a Conference. *Ordered* that the Reasons agreed on for the amendments be reported as fit to be delivered to the Commons with the Bill at a Conference. Com. Book. The Reasons were reported the same day. L. J., XVI. 681. *In extenso.* On 15 May the Bill as amended, with the Reasons, was delivered to the Commons at the Conference. L. J., XVI. 685. No further proceedings recorded. The Commons' Engrossed Bill is not among the Records.] The Papers are the following:—

(*a*) 26 March 1701. Petition of Charles Bodville, Earl of Radnor. The profits of the Marshal of the King's Bench, together with some lands in Oxfordshire, being mortgaged to the late Sir John Cutler, Bart., for a great sum of money, which interest is now devolved upon Petitioner, and Petitioner being advised that the Bill will destroy a great part of his security, he prays to be heard by Counsel at the Bar against the Bill. *Signed* Radnor. *Endorsed* as read this day and leave given. L. J., XVI. 635.

(*b*) 28 March. Petition of George Moore and Thomas Seviar, Gents. William Lenthall, Esq., mortgaged the office of Marshal of the King's Bench and the manors of Great Hasely and Latchford, Oxon, to Sir John Cutler, which mortgage is by mean assignments vested in E. Radnor, who is in possession, and to whom over 20,000*l.* is due. The equity of redemption was granted by Lenthall to Petitioners as security for 6,500*l.* he owed them, he having no other estate The Act, 8 & 9 Will. III. c. 27, provides that nothing shall extend to lessen any security of Mr. Lenthall's until the mortgage should be satisfied. The Bill takes away a considerable part of the profits of the Office, so that, together with the mortgaged premises, it will not cover E. Radnor's debt, so that Petitioners will lose the benefit of the equity of redemption and also their debts, to their utter ruin. Pray to be heard by Counsel to the Bill before it pass. *Signed* by both Petitioners. *Endorsed* as read this day and leave given. L. J., XVI. 636.

(*c*) 31 March. Petition of Mordant Crutcherwood, Richard Leeds, John Prince, Henry Robins, Anthony Crutcherwood, Henry Berrow and others, who have hereunder subscribed their names, all traders within the liberty of Westminster. The Bill will be much for the benefit of trade, and also for the preventing the great and daily abuses practised by the officers of the Prisons. E. Radnor having had leave to be heard by Counsel against the Bill, Petitioners pray to be heard by Counsel for it. *Signed* by the above named Petitioners and many others. *Endorsed* as read this day and leave given. L. J., XVI. 637.

(*d*) 31 March. Similar Petition of John Deacle and others, all traders within the city of London. *Signed* by John Deacle and many

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others. *Endorsed* as read this day and leave given. L. J., XVI. 638.

(*e*) 31 March. Petition of William Lenthall, Esq. The King's Bench Prison is Petitioner's inheritance and of great value and concernment to him. He is advised that the Bill is very injurious to the said estate. He therefore prays to be heard by Counsel against the Bill before the Second Reading. *Signed* Wm. Lenthall. *Endorsed* as read this day and leave given. L. J., XVI. 638.

(*f*) 31 March. Petition of John Clements, of the Middle Temple, London, Gent. The Bill absolutely dissolves the Prisons, and entirely takes away all the fees and profits thereof. The office of the Warden of the Fleet Prison, being in mortgage for 2,000*l.* and upwards, to Petitioner and others for whom he is intrusted, he prays to be heard by Counsel against the Bill before the Second Reading. *Signed* John Clements. *Endorsed* as read this day and leave given. L. J., XVI. 638.

(*g*) 29 April. Petition of Elizabeth Leave, the daughter of Charles Leave, Gent., deceased. One John Pollexfen owed her, on a bond, 200*l.*, her whole fortune. On his refusal to pay, she obtained execution against him seven years since. He removed himself out of the King's Bench into the Fleet, from whence, by continual bribes, he obtained his liberty of John Tilly, Esq., and William Weedon Ford, who now goes for Warden of that Prison. Pollexfen has often upbraided Petitioner, saying that none but fools and beggars continued prisoners, and that for 20 guineas a time he could obtain his liberty, there not being an honest man belonging to the Fleet, of which Petitioner is ready to make affidavit, particularly that he declared he had given Tilly and Ford 130 guineas between them for his liberty. He is well able to pay his debt. Petitioner and her aged mother have often applied to Tilly and Ford to confine him, but without success, and several times Tilly came to the door of the Fleet and derided her, saying, What good has your petitioning done you? Have you got your money by it? Now go to the Parliament, and let them pay you; for I value not what you can do. Her old blind mother has been arrested, by the persuasions of Tilly and Ford, as Pollexfen declares, upon a fob action of 40*l.*, and detained in the Marshalsea a close prisoner on the boards for several days, till discharged by Pollexfen, he having arrested both her and Petitioner in 1696 and dropped the action, whereupon he was non-suited. Prays for enquiry into her case. *Signed* Eliza. Leave. *Endorsed* as read this day and referred to the Committee. L. J., XVI. 664.

(*h*) 3 May. Proposals delivered in this day to the Select Committee by the L. C. Justice, relating to the regulation of prisons. They are as follows:—

An abstract of the Bill for regulating the Prisons of the King's Bench and Fleet.

[If any person shall be removed by habeas corpus from any prison or place, and shall not procure good bail to answer the plaintiff at whose suit he was arrested, such person shall be remanded back to prison from whence he was removed.]*

That no conveyance, grant, or assignment of the office of Marshal or Warden of the Fleet, or of any buildings or houses thereunto belonging shall be made either in fee, for life, or any other estate or interest, without consent and approbation of the several Courts whereunto they

* The words in square brackets have been struck out.

belong, and by deed enrolled in one of the said Courts; but all grants, conveyances and assignments of the said offices made in any other manner shall be void.

That no rent or annual sums shall be reserved upon any grant or assignment of either of the said offices, but all covenants or agreements for the payment of any such sum, and all trusts for the benefit of any person, except the Grantee, shall be void.

That, if any action for any escape be brought against the Marshal or Warden, the plaintiff may have a writ of summons or scire facias against the Grantee or he that is seised of the immediate reversion or remainder of the office, to appear in aid or defence of the defendant sued; and, if he appears thereon, he may join in the defence and plead any matter in bar of the action; and, if a nichil be returned on the writ of summons, another writ shall issue returnable some day in Court, and, if a nichil be returned likewise on that writ and the Grantor or Reversioner do not appear but make default, and, if it be returned on the writ that he is seised of the immediate reversion of the said office, and, if judgment be recovered against the Marshal or Warden and a capias ad satisfaciendium, fieri facias or elegit be sued out and no satisfaction made to the plaintiff for the sum recovered, the Court shall award execution against the Grantor or Reversioner either by capias ad satisfaciendum, fi. fa. or elegit.

If any person recover against the Marshal or Warden the sum of , and execution awarded against the Grantor or Reversioner as aforesaid, and no satisfaction made within days, that then the Marshal or Warden, Grantor or Reversioner, being at that day demanded *to come into Court to pay and satisfy the sum recovered*,* and shall make default or not pay, upon a recording thereof the *whole* inheritance of the office shall be forfeited to the King, who shall be in actual possession thereof without any office or inquisition, and the Court shall issue a writ to the sheriff to seize the said office and deliver the prisoners to the custody of such person as the Court shall appoint, who shall have the custody thereof and be liable to all escapes as Marshal or Warden till a new Grantee shall be admitted and sworn.

That, if any person be removed by *any* habeas corpus, and by the return thereof or by examination it shall appear to the Court or Judge before whom such person shall be brought that such person was first taken and charged in custody by process issuing out of any other Court than from which the writ *of habeas corpus* did issue, such person shall be remanded.

If a person shall be rendered or committed to the King's Bench or Fleet *Prison*, no writ of habeas corpus shall be sued forth for the removing of such person from the Prison of the King's Bench to the Prison of the Fleet, nor from the Fleet to the King's Bench, but upon the return thereof such person shall be remanded.

That, if any person against whom any action is depending in the King's Bench shall be condemned there, and, before execution awarded, shall be in custody of the Warden, the plaintiff in such action may have a writ of habeas corpus ad satisfaciend. directed unto the Warden, returnable in Court or before a Judge, who, upon the return thereof, shall remand him and commit him in execution to the Warden of the Fleet.

Also the bail of any such person may have a habeas corpus returnable as aforesaid, and, upon the return thereof, the Court or Judge

* Omissions in square brackets, additions in italics.

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shall remand him in discharge of his bail; and, if the plaintiff shall elect to have him that is so remanded to be in execution, the Court may commit him in execution, and [award] *upon* a writ *awarded* to the Warden to detain him in execution [and] the Warden shall testify the time of the receipt of the writ, and returning *him* to be in custody shall be from thence adjudged to be in execution. The like for any person who shall be in the custody of the Marshal.

That no liberty of the Rules of either Prison shall be allowed, but shall totally be discharged, and not accounted or allowed to be any part of the said Prisons; but yet *if* upon application made to the Court in term time, or to a Judge in the vacation, it shall [happen that] *appear* upon examination that, by reason of sickness, straitness of the Prison, or such like cause, it is necessary and expedient to allow any prisoner to be removed out of the said Prison into some house or place near the same, such Court by Rule thereof, or the Judge by order in writing, to be enrolled, may allow the same, and appoint the house where such persons may be kept, provided such prisoner shall not be allowed to keep a wife or family there, nor use any trade except handicraft or bodily labour without a journeyman or apprentice. [Delivered in this day to the Select Committee by L. C. Justice. Com. Book.]

(*i.*) 6 May. Corrected* Draft of Clauses as follows:—

[*Whereas the trade of this Nation is chiefly carried on by personal credit, which personal credit has been much lessened and impaired by debtors being removed from gaols belonging to counties, cities, towns and other liberties to the King's Bench and Fleet Prisons, the Marshal of the King's Bench and the Warden of the Fleet daily for lucre permitting the said debtors, committed to their custody, to escape and go at large, to the great loss of their creditors and to the impoverishment of their families, to the destruction of trade and credit, and in contempt of the good and wholesome laws of this Kingdom already made for the preventing such mischiefs, the same being thereby wholly eluded;*

Be it therefore enacted by, &c.]† That, from and after the‡ *first day of May in the year of our Lord 1701*, no conveyance, grant or assignment of the office of Marshal of the Marshalsea, being the Prison belonging to the Court of King's Bench, or of any buildings or houses thereunto belonging, shall be made either in fee *simple*, *fee tail* or for life or any other estate or interest therein, without the consent and approbation of the Court of King's Bench first had and by deed enrolled in the said Court, nor any conveyance, grant or assignment of the office of Warden of the Fleet or of any buildings or houses thereunto belonging, shall be made either in fee *simple*, *fee tail* or for life or any other estate or interest therein, without the consent and approbation of the High Court of Chancery, the Court of Common Pleas and the Court of Exchequer, and by deed enrolled in [one of] *all* the said Courts; but all conveyances, grants and assignments of the said offices or either of them *or of the said buildings* made in any other manner shall be void and of none effect.

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* The omissions are shown by square brackets, the additions by italics.

† First added in a different hand, and then struck out.

‡ Noted in margin, in a different hand, It is proposed to be the first day of May 1701.

And also that upon the grant or assignment of either of the said offices no rent or annual sum shall be reserved, but all covenants or agreements for the payment of any such rent or annual sum and all trusts for the benefit of any person, except for the Grantee of the said office, shall and are hereby declared to be void and of none effect.

And be it further enacted by the authority aforesaid that, *from and after the 24th day of June which shall be in the year of our Lord 1701*, if any action shall be brought against the Marshal of the King's Bench or Warden of the Fleet for any escape suffered by him that [is officer] *shall be Marshal or Warden* in possession *at the time of the escape*, the plaintiff in such action may have a writ of summons or scire facias directed to the sheriff of the county where the Prison shall be, returnable* *fifteen days* after the teste thereof, against the Grantor or him that is seised of the immediate reversion or remainder of the said office of Marshal or Warden, to summon him to appear in aid and defence of the defendants sued; and, if such person shall appear, he may join in the defence and plead any matter in bar of the said action; and, if it be returned upon the writ of summons or scire facias that the said Grantor or he that is *or shall be* seised of the immediate remainder or reversion of the said office has nothing whereby he may be summoned and cannot be found in that county, and, if such Grantor or he in the reversion or remainder shall thereupon make default, then another writ of summons or scire facias shall issue forth, returnable in Court† *eight* days after the teste thereof, and, if the same return be made thereon as was made to the first writ and such Grantor or he in the reversion or remainder shall thereupon make default, or, if upon any one writ of summons or scire facias it be returned that the said Grantor or he that shall be seised of the immediate reversion or remainder of the said office was summoned, and, if the person so summoned shall thereupon make default or *shall appear upon any of the said writs*, then, if judgment be given against the defendant sued for such escape and, upon a capias ad satisfaciendum, it be returned that the defendant cannot be found, or, if he be taken by virtue thereof and shall lie in prison by the space of‡ *fourteen days in term time* without making [any] satisfaction to the plaintiff in the action of or for the whole sum recovered, if not a penalty, and, if a penalty, shall not make satisfaction to the plaintiff of principal, interest and charges *to be assessed by the Court*, or, if upon a fieri facias, it be returned that he has not goods to satisfy the whole sum recovered, or, upon an elegit taken out against him, it be returned that he has neither goods nor land sufficient to satisfy the whole sum recovered, in every of these cases the Court shall and may award execution against such Grantor or him in reversion or remainder against whom such writ of summons or scire facias shall be awarded, which may be by capias ad satisfaciendum, fieri facias or elegit.

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* Noted in margin, It is proposed to be fifteen days.
† Noted in margin, It is proposed to be eight days.
‡ Noted in margin, It is proposed to be fourteen days in term time.

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And where any person shall recover against the Marshal or Warden, seised of his office in fee simple or fee tail, the sum of* *one hundred pounds or more*, or execution shall be awarded against such Grantor or Reversioner or person in remainder, against whom any writ of summons or scire facias as aforesaid shall have issued, and the said Marshal, Warden, Grantor or Reversioner or person in remainder shall not pay and satisfy the plaintiff the sum recovered within† *fourteen days in term time*, that then, if the Marshal or Warden, Grantor, Reversioner or person in remainder at that day, being demanded to come into Court to pay and satisfy the plaintiff the sum recovered, if not a penal sum, and, if a penal sum, the principal, interest and charges to be assessed by the Court, shall make default or not pay, *then*, upon a recording thereof by the Court, the whole estate, interest and inheritance of the said respective offices *and all houses and buildings thereunto belonging* shall be forfeited to the King's Majesty, his heirs and successors, who shall be in the actual possession thereof, without any office or inquisition thereof to be found; and the Court shall immediately issue a writ to the sheriff of the county to seize the said office and prison into the King's hand, and deliver the possession of the prison and buildings thereto belonging and the prisoners of the prison to the custody of such persons as shall *from time to time* be appointed by the Court, who shall have the custody and charge of the prisoners, and be liable to all escapes as a Marshal of the King's Bench or Warden of the Fleet should have been, until he shall have by indenture delivered over the prisoners to such person to whom the King, his heirs and successors, shall grant the inheritance of the said office so forfeited, after such Grantee shall be admitted and sworn in open Court to exercise such office. And upon such seizure of the said office, the Court shall and are hereby impowered to allow in the first place to the plaintiff in the said action [of] *for the* escape, and afterwards to such other person or persons who shall [obtain] *before such seizure awarded, have obtained* judgment against the Marshal or Warden in any action or actions of escape, such sum or sums of money out of the accruing profits of the office as shall and may seem reasonable *for or* towards the satisfaction of his and their debts, respect being had to the charge and trouble of the execution of the said office; and no person to whom the office so forfeited shall be granted by the King, his heirs and successors, shall be admitted to the same until the plaintiff or plaintiffs be paid and satisfied such sum and sums of money as aforesaid.

And be it further enacted by the authority aforesaid that, *if* the Marshal or Warden against whom such recovery shall be had, whereupon an award of execution may be made against the Grantor or him in the reversion or remainder, shall afterwards wilfully suffer any person in execution to escape, upon conviction thereof, he shall *be adjudged a felon and shall* suffer as in case of felony, without benefit of clergy.

And, if any prisoner in custody of the Marshal of the King's Bench or Warden of the Fleet escape out of custody,

* Noted in margin, It is proposed to be 50*l*.
† Noted in margin, It is proposed to be fourteen days in Term time.

be it with or without the consent of the Marshal or Warden, then such prisoner so escaping shall forfeit to every person at whose suit he shall be in execution* *double* the sum recovered with which before the said escape he was charged in execution, *to be recovered by action of debt over and besides the sum for which he was before in execution.*

And be it further enacted by the authority aforesaid that, from and after the† *said four and twentieth day of June*, if any writ of habeas corpus shall issue forth or be prosecuted out of any of his Majesty's Courts of Record at Westminster, directed to any sheriff, bailiff of any liberty or franchise, keeper of any gaol or any other such like officer for the removing of any person or persons in his, their or any of their custody being, and, by the return thereof or by examination or other due proof, it shall appear to the Court or Judge, before whom such person or persons shall be brought, that such person or persons was or were first taken and charged in custody by process issuing out of any other of the said Courts *of Record at Westminster than that Court* [than] from which the habeas corpus shall issue, such person or persons so removed shall, upon the return of the said writ of habeas corpus, be by the said Court or Judge remanded to the custody of the sheriff or other officer from whom such person or persons was or were brought [any statute, law, usage, or custom to the contrary in any wise notwithstanding]; except such habeas corpus be to satisfy any judgment that is bonâ fide recovered and had in the Court from whence such habeas corpus shall be awarded [or to answer to any indictment or presentment had or prosecuted for the King's Majesty for any crime or offence, or for defrauding the King of any debt or duty whatsoever] *or to render himself in discharge of his bail entered into before such person was charged with such process or to answer for any contempt.*

And be it further enacted by the authority aforesaid that, from and after the aforesaid *24th day of June*, if any person or persons shall be rendered or committed to the custody of the Marshal of the King's Bench or Warden of the Fleet, either on mesne process in execution or for any other cause whatsoever, no writ of habeas corpus shall be sued forth or prosecuted out of any of his Majesty's Courts of Record at Westminster at the instance of any such person or persons or any other person whatsoever for the removing of the body of such person or persons from the Prison of the King's Bench to the Prison of the Fleet, or from the Prison of the Fleet to the Prison of the King's Bench, unless such writ of habeas corpus shall be to satisfy any plaintiff or plaintiffs for any debt or damages really and bonâ fide recovered against such person or persons, or else to render the body or bodies of such person or persons in the custody of the Marshal of the King's Bench or Warden of the Fleet in discharge of the bail of such person or persons for whom they were bail in any action or suit really and bonâ fide prosecuted and commenced against such person or persons before such time as such person or persons was or were committed to the custody of the said Marshal or Warden of the Fleet *or to answer for any contempt;*

* Noted in margin, It is proposed to be double.
† Noted in margin, It is proposed to be the 24th day of June 1701.

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but if, upon the return of such habeas corpus or upon examination or other due proof, it shall appear to the Court or Judge, before whom such person or persons shall be brought by virtue of such habeas corpus, that such person or persons is or are removed by virtue of such habeas corpus for any other cause, such person or persons so removed shall be remanded to the Prison from whence such person or persons was or were brought [any statute, law, usage or custom to the contrary in any wise notwithstanding].

And be it enacted by the authority aforesaid that, if any person or persons against whom any action or actions shall be depending in the Court of the King's Bench shall be there condemned in debt or damages and before execution [awarded] *had* shall be in the custody of the Warden of the Fleet, the plaintiff that has recovered against him or them shall have a writ of habeas corpus *ad satisfaciendum* directed to the Warden of the Fleet [to satisfy the plaintiff the sum recovered] returnable in the Court of King's Bench in term time or in vacation before one of the Judges of the said Court who, upon the return thereof shall have full power and authority to remand him or them and commit him or them in execution to the Warden of the Fleet and make a record therof.

And, if any action shall be depending in the Court of King's Bench against any person that is actually in custody of the Warden of the Fleet, the bail may have an habeas corpus, returnable as aforesaid, to render him in discharge of his bail, and, upon the return thereof, the Court of King's Bench or Judge of the said Court shall remand him in discharge of his bail *to the Warden of the Fleet*; and, if the plaintiff shall elect to have him that is so remanded to be in execution after he is so remanded, the Court may commit him or them in execution and, upon a writ awarded to the Warden of the Fleet to detain him or them in execution, returnable in Court of King's Bench, the Warden shall testify the time of the receipt of the said writ and [returning him to be] *the having his body* in his custody, [he] *and such person so in custody* shall be from the time of the delivery of the said writ adjudged and taken to be in execution.*

And, also, if any person or persons shall be in the *actual* custody of the Marshal of the Marshalsea of the King's Bench, and, during that time he shall be condemned in any action in any other of his Majesty's Courts of Record at Westminster, the plaintiff that has recovered in any other of the said Courts shall have a writ of habeas corpus *ad satisfaciendum* out of the Court where the record of the judgment shall be [returnable in the said Court to satisfy the plaintiff the sum recovered] returnable in the Court where the record of the judgment shall be in term time, or, in vacation, before one of the [Judges or] Justices *or Barons of the Coif* of the said Courts *respectively*, who shall have full power and authority to remand and commit such person or persons in execution to the Marshal of the King's Bench, and make record thereof.

And, if any action shall be depending or a recovery had in any [other] of the said *other* Courts against any person that

* Here Clause A (Paper (*l*)) is inserted and then struck through.

is actually in the custody of the Marshal of the Marshalsea of the Court of King's Bench, the bail of such defendant may have a habeas corpus, returnable as aforesaid, directed to the Marshal of the King's Bench to bring him into Court or before any one of the [Judges or] Justices *or Barons of the Coif* of the said Courts *respectively*, to render him in discharge of his bail; and, upon return, the *said* Court or Judge shall and may remand him to the Marshal of the Marshalsea of the King's Bench in discharge of his bail. And, if the plaintiff shall elect to have him that is so remanded to be in execution, a writ shall be awarded to the Marshal of the Marshalsea of the King's Bench to detain and keep him that was so remanded in execution for the sum recovered, returnable in the Court from whence the said writ shall issue, and the Marshal shall thereupon testify the receipt of such writ and *the having his body in custody; and such person so in custody shall*, from the time of the delivery of the said writ [shall] be adjudged and taken to be in execution.*

And, because the liberty of the Rules both in the Marshalsea of the Court of King's Bench and in the Fleet have been very much abused, to the defrauding of creditors, by the giving too much ease and favour to prisoners, which has encouraged them obstinately to refuse either the payment of their debts or compounding with their creditors, be it therefore enacted by the authority aforesaid that, from and after the said four and twentieth day of June, no liberty of the Rules of either of the said Prisons shall be allowed, but shall be totally discharged, and not accounted or allowed to be any part of the said Prisons.

Provided always, and be it enacted that if, upon application to the Court in term time, or, in vacation to any Judge of any of the said Courts to which the Prisons do respectively belong, it shall by examination appear that, by reason of sickness, straitness of the Prison or such like cause, to be necessary and expedient to allow any person *or persons* that is a prisoner in either of the said Prisons to be removed out of the said Prison into some house or place near the same, then such Court by process whereof the prisoner shall be in custody, by Rule thereof, or such Judge by order in writing, to be [enrolled] *entered among the Rules of the said Court*, may allow the same, and appoint the house where such person *or persons* may be kept and remain in custody. Provided that *any* such person shall not be allowed to have any of his family there with him in the said house [of the said Court], except his wife and such other person or persons as shall be specially allowed by the Court or Judge of the said Court, nor shall use any trade excepting handicraft or bodily labour, without the help of any apprentice or journeyman, and also such Rule or allowance may, as occasion serves, by and at the discretion of the Court or Judge, be revoked or altered.

Provided [always] *also* that, if [the King, his heirs or successors, shall prosecute] any person or persons *shall be sued or prosecuted for or in the name or on the behalf of his Majesty his heirs, or successors*, for debt, *duty* or damage or for any

* Here Clause B (Paper (*l*)) is inserted and then struck through.

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fraud or concealment, relating to any part or branch of his *Majesty's* Revenue, or for any crime upon any indictment or presentment, that such person or persons may be removed by writ of habeas corpus out of any prison where he shall be in custody into the respective prison of the said Court where such prosecution shall be, and shall be there charged and remain in custody at the [King's] suit *and on the behalf of his Majesty together with such other actions and executions wherewith he shall be charged upon the return of the habeas corpus*, anything in this Act to the contrary notwithstanding.*

[*Provided also and it is hereby declared and enacted that every person and persons, who now is or hereafter shall be interested in or intituled unto the benefit or advantage of any Decree or Decrees already made or hereafter to be made in or by either of his Majesty's Courts of Chancery or Exchequer at Westminster, shall and may have, pursue and take such and the like action, suit or remedy against such person or persons, as shall have the custody or keeping of either of the said Prisons of King's Bench or the Fleet, for the escape of any person or persons that have been or shall be, committed to their respective custodies for not obeying or performing of any such Decree or Decrees as any person or persons by force of this Act or of any former law or statute shall or may have against them or either of them respectively, for the escape of any person or persons out of their custodies respectively who was or were or shall be in execution for any debt or damages at Common Law; and the said Marshal and Warden for the time being and the said offices of Marshal and Warden respectively, and the fees, benefits and advantages thereof, shall be subject and liable for such escapes out of custody upon commitment upon such Decrees in such and the like manner as the same are or may be by virtue of this Act subjected for escapes out of custody in execution for debtor-damages at Common Law, anything herein contained to the contrary notwithstanding.*]

[Delivered this day to the Select Committee by the Judges, who had drawn them on the proposals previously submitted by them (Paper (*h*)). These clauses, together with the next two papers, and a rider added on Report, and the Commons' preamble, formed the Bill as returned to the Commons. Com. Book 6 May.]

(*k*) 7 May. Petition of William Weedon Ford, Esq., Warden of the Fleet. He finds that by the proposed amendments he will be under insuperable difficulties in the execution of his office and prays to be heard by Counsel. *Signed* W. Ford. *Endorsed* as read this day.

(*l*) 8 May. Paper containing the draft of two clauses, marked A and B, as follows:—

(A.) And also the Court of King's Bench may award any writ of habeas corpus to the Warden of the Fleet, returnable in Court, to bring any person in his custody into the said Court to answer there for any contempt committed against the said Court, who shall and may be by the said Court remanded and committed to the Warden of the Fleet, and charged with the said contempt, and afterwards from time to time brought into Court by the Rule and Order of the said Court, to be examined and proceeded upon as the Court shall think convenient, and

* Here Clause Q (*see* amended clause, paper (*m*)) is inserted and then struck out.

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being fined by the Court may be remanded and committed by the said Court to the said Warden, there to remain in execution for any fine imposed upon him.

(B.) And also every one of the said Courts may award a writ of habeas corpus to the Marshal of the King's Bench, returnable in Court, to bring any person, in his custody being, into the Court out of which the said writ of habeas corpus shall issue, to answer for any contempt committed against the said Court, who shall and may be by such Court remanded and committed to the Marshal of the King's Bench, charged with the said contempt, and afterwards from time to time brought into such Court, by Rule or Order of the same, to be examined and proceeded upon as the Court to which the contempt was committed shall think convenient and, being fined for the same, may be remanded and committed to the said Marshal in execution for such fine. [These clauses were offered by L. C. Justice to the Select Committee this day and agreed to. Com. Book 8 May. *See* Notes above.]

(*m*) 8 May. Amended Draft of Clause Q, as follows:—

Provided nevertheless, and be it enacted by the authority aforesaid, that neither this Act nor anything herein contained shall be of any force, effect or avail as to the Prison of the Court of King's Bench at Westminster, or the office of Marshal of the said Court, until the Right Honourable Charles Bodville, Earl of Radnor, his heirs, executors, administrators and assigns, shall be fully satisfied and paid all sum and sums of money whatsoever which are now due to him either in Law or Equity by virtue of any security made by William Lenthall, Esquire, by or out of *the manors of Haseley and Lachford, in the county of Oxford, and** the said office of Marshal of the said Court of King's Bench, or the hereditaments, fees or profits, thereunto belonging, together with the interest, now due and which shall be due, for such sum and sums of money, and all costs and expenses relating to such securities. [Offered this day to the Select Committee by E. Radnor and agreed to be added at the end of the Bill. Com. Book and MS. Min. *See* Notes above.]

(*n*) 13 May. Petition of John Tilly, Esq. [In answer to Mrs. Leave's Petition (Paper (*g*))]. Petitioner is under the greatest concern in falling under the displeasure of the House. Elizabeth Leave herself desired that Pollexfen might be liberated to solicit his affairs, the better to enable him to pay her, though she swore to the contrary at a trial at the King's Bench, when her evidence was disproved to the satisfaction of the jury. She had often threatened to injure Petitioner, and lately complained to this House of his having used contemptuous words against Parliament and this House, for which contempt he is now in custody of the Serjeant at Arms. He never spoke or thought undutifully of Parliament or this House. Prays to be discharged from his contempt. *Signed* J. Tilly. [*Endorsed* as read this day and rejected. MS. Min. No entry in L. J.]

1612. March 26. Luke *v.* Bickerstaffe.—Sir Charles Bickerstaffe demised the higher and lower Culverdens, in the parishes of Tonbridge and Spelehurst [Speldhurst], Kent, to Sir John Marsham, to secure the payment of 250*l.* Sir John and his son also advanced an additional 1,100*l.* on the property. Shem Bridges, one of the Six Clerks in the Court of Chancery, paid off this 1,100*l.*, had the premises assigned to him and joined in selling 19 acres, receiving 100*l.* principal, and the whole of the arrears of interest. No further

* The words in italics are interlined in the Clerk's hand.

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interest was paid. Bridges, therefore, exhibited his Bill in Chancery against Sir C. Bickerstaffe to foreclose. He obtained a Decree. The sum of 1,243*l.* 13*s.* 6*d.* was due to him for principal, interest and costs. Subsequently the premises were ordered to be sold and were sold to Mr. Hungerford for 600*l.* By having Sir Charles arrested, Bridges caused him to pay 600*l.*

In the year 1692 Appellant had 1,000*l.* to invest. Thomas Christie, her brother-in-law, undertook to lend out this sum for her on good security, but instead of doing so he lent it on a transfer of the above-mentioned mortgage. Appellant found this investment unsatisfactory and spoke to Christie, who promised to make her satisfaction but did not do so. After his death and the insolvency of Bickerstaffe, the Appellant was in danger of losing her money. She, therefore, brought a Bill in Chancery against Respondents to get 1,000*l.*, which she had invested, and interest. The Lord Keeper, however, although he declared that neither Bridges nor Christie had done well in the matter, did not think there was sufficient proof for a Decree against them and dismissed Appellant's Bill. Appeals against this dismission. *Signed* by Appellant. *Countersigned* Sa. Black, Richard Buckby. L. J., XVI. 635. [The Cause was heard on 7 May. *Mr. Serjt. Pratt*, for the Appellant: Mr. Christie knew this security to be defective, and received 1,000*l.*, though he has sworn he received but 700*l.* This money was in Mr. Christie's hands only [as] a friend, and if he disposed of it without our order he ought to be responsible to us for it. *Mr. Dobyns* heard also for the Appellant. *Sir Jo. Jekyll*, for Mr. Christie: This gentleman came fairly into this matter. My client never knew of any judgment of recognizance of Sir Charles Bickerstaffe. We apprehended it to be a good security for our money. *Sir Thomas Powys*, for Mr. Bridges only: Mr. Bridges never sees the persons that lend the money or come after him. He swears he knew not the persons in his Answer. *Mr. Serjt. Selby*, for the executors, &c., of Mr. Christie: They have said nothing to us against them. Mrs. Luke accepted the security. A statute of forty years since is presumed in law to be satisfied if no proceeding has been upon it. Appeal dismissed. MS. Min. L. J., XVI. 669–670.]

Annexed:—

(*a*) 11 April. Answer of Samuel Christie, James Tooth, Henry Southouse, William Ifaldoe and John Ifaldoe. The Respondents have heard that the Appellant desired and prevailed upon Christie to lend out the 1,000*l.*; that she approved of the investment; that she has 1,500*l.* in addition to the 1,000*l.*, and that 1,000*l.* was due upon the security to Mr. Bridges when it was transferred to her. They do not believe that Christie did Appellant any injury. They deny that the Lord Keeper said that Christie had not done well. They also deny that Christie died worth 20,000*l.*, and say that, if the Appellant's demand had to be paid by Respondents, they would be losers by the Will. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* James Selby. *Endorsed* as brought in this day.

(*b*) 11 April. Answer of Shem Bridges, Esq. Respondent paid 1,100*l.* to Bickerstaffe for the assignment and was to have interest at six per cent. Mr. Hungerford was not certified to be the best purchaser when the estate was sold, but Respondent had about the same time offered Bickerstaffe 1,200*l.* for it and the offer had been refused. There was no ill practice between

Respondent and Christie. Prays that Petition be dismissed with costs. *Signed* by Respondent. *Countersigned* Hen. Penton. *Endorsed* as brought in this day.

1613. March 29. Naturalization (Adrian Lofland &c.) Act.—Draft of an Act for naturalizing Adrian Lofland and others. The persons included in the Draft, which was not amended by the Lords, end with Thomas Johnson. Com. Book 7 April. The rest of the persons mentioned in the Act were added by the Commons. C. J., XIII. 558. The name of Pyniot [Pynioll] was not added to this Bill, as stated in L. J., XVI. 640, but to a later Bill (*See* No. **1616**). [Read 1ª this day. Royal Assent 12 June. L. J., XVI. 637, 739. 13 Will. III. c. 40 in Long Cal.]

Annexed—

(*a*) 26 March. Petition of Adrian Lofland, Cornelius Vandeput, *signs* Van de Putt, and Peter Schrieber, merchants. They are considerable merchants and traders, and have resided here for several years with their families. They are Protestants and have given good testimony of their loyalty and fidelity to the King and Kingdom. Pray leave to bring in a Bill for their naturalization. *Signed* by the Petitioners. L. J., XVI. 635. [Petitioners are included in the Draft Bill. They produced before the Select Committee, on 7 April, Certificates, proved by witnesses, of their having received the Sacrament. Com. Book.]

(*b*) 7 April. Certificate that the three persons mentioned in the preceding Petition, described as Gentlemen, received the Sacrament according to the usage of the Church of England, on 23 March, at the Parish Church of St. Peter's, Cornhill. *Dated* eod die. *Signed* Will. Beveridge [D.D.], Minister of the Parish and Parish Church of St. Peter's, Cornhill, Ralph Palmer, Churchwarden. *Attested* by Robert Calcott, of St. Andrew's Wardrop, in London, and John Gentrey, of St. Peter's, Cornhill. [Produced before the Select Committee this day, and proved by Calcott and Gentrey. Com. Book.]

(*c*) 7 April. Certificate that Thomas Johnson, of St. Andrew's, Holborn, Gentleman, on 30 March, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Lawrence Jewry. *Dated* 1 April. *Signed* Samuel Harris, Clerk, officiating for the Minister of the Parish, Jonath. Kendall, Churchwarden. *Attested* John Young, Will. Frost. The usual affidavit is cut off. [Produced before the Select Committee this day and proved by Young and Frost. Com. Book. Johnson was the other person originally included in the Draft Bill.]

(*d*) 24 May. Certificate, similar to (*b*), for Justus Beck. *Dated* 20 April. Rest as in (*b*). [Added by the Commons to the Bill, which they returned this day. L. J., XVI. 706.]

(*e*) 24 May. Certificate that Mr. John Henry Ver Poorten, from Hamburg, is a true member of the High German Protestant Church in London, and received the Lord's Supper there, according to the constitution and usage of the Protestant Church, on 27 April. *Dated* 1 May. *Signed* John Esdras Edzard, Minister. *Witnessed* Philip Shlagman, Lewes Crumsey. [Added to the Bill by the Commons.]

(*f*) 24 May. Certificate that Thomas Bureau, of the Parish of St. Mary Bothaw, annexed to St. Swithun's in the city of

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London, on 6 April, received the Sacrament according to the usage of the Church of England, in St. Swithun's Church. *Dated* 7 April. *Signed* William Hodges, Minister, Godfrey Watkinson, Churchwarden. *Attested* by Claudius Fonnereau, of St. Mary's Bothaw, London, and Timothy Simms, of St. Swithun's Parish. [Added by the Commons to the Bill.]

(*g*) 24 May. Certificate that Dirck Wittenoom, on 6 April, received the Sacrament according to the usage of the Church of England, in St. Leonard's Church, Shoreditch. *Dated* 7 April. *Signed* John Wickes, Minister, William Wood, Churchwarden. *Attested* by Samuel Bourne and Richard Winington. [Added by the Commons to the Bill.]

(*h*) 24 May. Certificate that Mr. John Mahlstede, on 4 May, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Martin's-in-the-Fields, Westminster. *Dated* eod. die. *Signed* Tho. Yates, Minister, Will. Howard, Churchwarden. *Attested* by Nathaniel Hill and Robert Hill. [Added by the Commons to the Bill.]

(*i*) 24 May. Certificate that Nicholas Garrett, on 20 April, received the Sacrament according to the usage of the Church of England, in the Royal Church of the Savoy. *Dated* eod. die. *Signed* J. Dubourdieu, Minister, John Deffray, D. Pringle, Churchwardens. *Attested* by Paul Margarett and Samll. Beckett. [Added by the Commons to the Bill.]

1614. April 1. Grosvenor *v.* Coy.—Petition of John Grosvenor, Esq. Petitioner paid 300*l.* for the clothes and accoutrements of 36 troopers and one trumpeter, who served in England and Ireland under the Respondent John Coy. The latter stopped 6*d.* a day as off-reckonings from the men's pay, with which he ought to have paid Appellant for the clothes; but did not do so, nor did he make the men any allowance. After a hearing before the Master of the Rolls in June 1699, when it appeared that Respondent had received the full off-reckonings of a whole regiment to March 1692, Appellant obtained a Decree for 320*l.*, but, on Appeal, the Lord Keeper, having taken the opinion of some general officers of the army as to the custom with regard to off-reckonings, reversed the Decree on 18th March last, but told Petitioner he had a compassionate case. Appeals against this reversal, as no weight ought to have been attached to the opinion of generals who might have been partial, and who had not heard the evidence. *Signed* John Grosvenor. *Countersigned* E. Jennings, J. Browne. L. J., XVI. 639. [This Appeal was in part heard on 22 May, when *Sir Thomas Powys* opened for the Appellant: Col. Coy received 6*d.* per diem for these clothes, and Grosvenor is in the case of the clothiers or tradesmen. Col. Coy is to get this money for nothing. The men get nothing by it. These clothes served in Ireland two years. *Mr. Browne,* for the same: The 6*d.* per diem is set apart for the clothier. *Mr. Solicitor,* for Col. Coy: The regiment was clothed when these men came in. *Mr. Pooley,* for the same: We hope there is no reason nor equity in this case. Several depositions read on either side. The House then went into debate of this matter. *Ordered* that the further debate of this matter shall be adjourned to Wednesday next. On 5 June the House went into consideration of the Judgment to be given in this cause. After debate, *On Question,* Whether the Decree should be reversed? *Resolved* in the negative. Contents 10, Not Contents 18: Tellers, L. Mohun, L. Dartmouth. Then the Appeal was dismissed. MS. Min. L.J., XVI. 698, 723.]

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—
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Annexed—

(*a*) 8 April. Answer of John Coy, Esq. Appellant received 1,000*l.* from King James to raise a troop of 50 men, but only raised 36, who were most meanly appointed, none of the horses being worth more than 10*l.* They formed part of the regiment of the Marquis de Meremont, which was disbanded on 3 Jan. 1688, when Appellant's troop was, by E. Marlborough's orders, transferred to Respondent's regiment. Appellant first brought a bill against the Marquis and his agent Monsieur de la Force, as well as against Respondent. The Marquis had received all the off-reckonings up to the disbandment. His troop had been ordered new clothes on joining Respondent's regiment, but served in their old ones for six months longer, on the strength of which, the claim was made against Respondent This claim was unjust. The Master in Chancery, who stated the account, certifying that the off-reckonings during those six months should go to pay for the new clothes. It is untrue that Respondent made no allowance to the men. Prays that the Appeal may be dismissed with costs. *Signed* John Coy. *Countersigned* Jo. Hawles. *Endorsed* as brought in this day.

1615. April 1. Impeachment of Ministers.—Order of the Commons that Sir John Leveson Gower impeach William, Earl of Portland, at the Bar of the Lords and acquaint them that the Commons will in due time exhibit particular Articles against him. *Marked* (1) C. J., XIII. 465. *In extenso.* L.J., XVI. 641. [The Proceedings on these Impeachments are given at great length in the printed Journals, but may be supplemented as follows from the MS. Min. and Com. Book :— On this Order being brought up in a Message from the Commons this day, a Select Committee was appointed to consider of the methods of Impeachments for misdemeanours. MS. Min. L. J., XVI. 641. On 2 April this Committee met and ordered the Clerk to bring over to-morrow such Books wherein Impeachments have been brought from the House of Commons for misdemeanours, that the Committee may peruse the proceedings thereon. Com. Book. No further meeting is recorded, nor any Report from this Committee.

On 16 April *Moved* that an Address be presented to the King to pass no censure or punishment on the impeached Lords pending their Impeachments in this House. A Committee was appointed to draw the Address. After debate, *On Question*, That a Committee be immediately appointed to draw an Address to his Majesty, that his Majesty will be pleased not to pass any censure or punishment against the four noble lords who stand impeached of high treason and misdemeanours until the Impeachments depending against them in this House shall be tried. *Resolved* in the affirmative. Contents 49, Not Contents 27 or 29 : Tellers, E. Rivers, E. Abingdon. Leave to dissent was given, and a Protest which was afterwards expunged was signed by twenty-four Peers.*

The Select Committee was appointed to draw up the Address, which was reported the same day. L. J., XVI. 655. *In extenso.* Then, exception being taken [at some parts in]† *to* the Protestation [just] *now* entered, the Protestation was read. After debate, *On Question*,

* This Protest was entered in the MS. Journal, but was afterwards carefully obliterated. It has been deciphered. *See* Protests of the Lords, edited by James Thorold Rogers, Vol. 1, pp. 150–151.

† Words in italics substituted those in square brackets.

1701. — No. 1615. Whether the first Reason in the Protestation shall stand? Contents 22, Not Contents 28: Tellers, L. Ferrers, L. Guilford. *Resolved* in the negative. *On Question* the second Reason was expunged without a division. L. J., XVI. 654–5. MS. Min. 16 Ap. The proceedings of the Select Committee are not recorded. On 17 April E. Romney reported that he had presented the Address. *Moved* to consider whether formerly, upon an Address to the King there has been no answer returned, and a Select Committee was appointed for that purpose. MS. Min. L. J., XVI. 657. The proceedings of the Committee are not recorded.

On 5 May *Moved* on the behalf of the four Lords impeached that the Commons be put in mind of the Impeachments, and that they send up the Articles against them. The precedent 1st May 1695 read, E. Danby's case. Then a Select Committee was appointed to draw the Message to be sent to the Commons. The Message was reported the same day. MS. Min. L. J., XVI. 668. *In extenso.*

On 9 May the Articles of Impeachment against Edward, Earl of Orford, were brought from the Commons, with a demand that he should give sufficient security to abide the Judgment of the House of Lords. The Articles were read by the Clerk. L.J., XVI. 672–673. *In extenso.* Then a Select Committee was appointed to inspect the Journals as to the manner of delivering the Articles and the demand for security, and, after an adjournment to go to the Committee, the House was resumed. E. Stamford reported that they did not find any mention of the Commons reading the Articles at the Bar nor of giving security, *but in the Bishop of E[l]y's case, and that upon hearing he was going out of the Kingdom; and the merchants; and the merchants was because they might move their effects.** Articles read by the Clerk. *E. Orford* says he shall stand on his own innocency in the Lords' Judgment; I pray for a Judgment before this House. I humbly beg a copy of the Articles, and as short a time as you think fit to answer. He proposed Tuesday next (the 13th). *Ordered* that E. Orford have a copy of the Articles against him. *Proposed* to acquaint the Commons that, as to E. Orford's giving security, they find none, but in Bishop [of] Ely's case and Merchants' [case], [in the] one hearing the Bishop was going out of the Kingdom; [in the] other because the merchants may remove their effects. Message sent to the Commons to acquaint them that, upon search in the Journals of this House, they do not find any precedent of security given to abide the Judgment of this House by any Peer upon an Impeachment for high crimes and misdemeanours. *Ordered* that the Committee named this day meet again to-morrow. 11 May 1626 read.† MS. Min. L. J., XVI. 672–4.

On 14 May E. Orford delivered his Answer to the Articles of Impeachment, which was read by the Clerk. L. J., XVI. 681–683. *In extenso.* *E. Orford* desires this Answer may be sent to the Commons, and also desires the House to appoint a short day for the trial and that he may have Counsel. He names Mr. Dodd and Mr. Pooley. *Agreed to.* *Ordered* that the Committee [of] Impeachments do meet presently. . . . . House adjourned to go to this Committee. After some time, House resumed, and E. Stamford reported that the first step was to send a copy of the Answer to the House of Commons. *Ordered*

* These words in italics are underlined. The cases here referred to are Bp. Ely's in 1640, and the merchants, viz., Goudet and others and Auriol (Oriel) and Dumaistre in 1698. *See* Annex (*d*) below.

† *See* Annex (*e*).

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accordingly. [*Moved* to put the Commons in mind of the Articles against the other Lords impeached.]* MS. Min. L. J., XVI. 681–4.

On 15 May Messages were sent to the Commons with E. Orford's Answer and to remind them that no Articles had been exhibited against the other Lords. L. J., XVI. 685. On 19 May Articles of Impeachment against John, Lord Somers, were brought up from the Commons, with the same demand for security. The Articles were read by the Clerk. L. J., XVI. 689–694. *In extenso.* L. Somers desires a copy of the Articles, and he will answer so soon as possible. *Ordered* accordingly.

On 20 May E. Orford moved for a day for his trial, and, on report of precedents by the Committee, the Lords sent a Message to the Commons that, finding no issue joined by Replication of the House of Commons, the Lords think fit to give them notice thereof; and, *On Motion*, a second Message was sent reminding them that no Articles had yet been exhibited against E. Portland and L. Halifax. This Message was repeated on 30 May. L. J., XVI. 696, 712. On 24 May L. Somers delivered his Answer, which was read by the Clerk. He desired a copy might be sent to the Commons. *Ordered* accordingly. MS. Min. L. J., XVI. 700–5. *In extenso.* On 30 May, on E. Orford's motion, Monday June 9 was appointed for his trial, notices were sent to the Commons and also to the King, with a request that a place might be prepared in Westminster Hall. MS. Min. L. J., XVI. 712. On 31 May the Commons sent up a Message to the effect that they had prepared a Replication to E. Orford's Answer, but think it most proper to defer bringing it up, and to begin with L. Somers' trial; and that the Message calling for Articles in the other Impeachments is a breach of the good understanding between the two Houses. L. J., XVI. 714. *In extenso.* Upon this the Committee of Impeachments was ordered to meet and prepare an Answer to the Commons' Message. *Ib.* 715. On 2 June the Committee met and on the same day reported some precedents of Impeachments, which are set out in the Journal. Com. Book. L. J., XVI. 716. The Committee were ordered to meet presently and prepare an Answer to the Commons' Message of 31 May. The Committee accordingly met and drew up an Answer which was reported the same day, and is set out in the Journal. The debate on this Report was adjourned to the following day. Com. Book. L. J., XVI. 717. On 3 June the debate was resumed. The Answer prepared by the Committee was agreed to with an amendment, and an addition prepared this day by the Committee, both of which are set out in the Journal. The second paragraph was agreed to on a division. Contents 43, Not Contents 27: Tellers, E. Rivers, E. Marlborough. Protests were entered against the second and third paragraphs.† MS. Min. Com. Book. L. J., XVI. 718–9. On 5 June a Message was brought from the Commons, repeating their objections. It was referred to the Committee, which was ordered to meet the following day. It appears to have met the same day, when the Report of the Conference concerning L. Mordaunt, of 4 Feb. 1666–7, was read, wherein the Lords take notice that the Commons conceive that precedents amount to a positive rule, and yet quote but one precedent, viz., E. Middlesex's case. Com. Book. L. J., XVI. 723. On 6 June a Message from the Commons was brought desiring a

* These words are expunged.

† *See* Protests of the Lords, edited by James Thorold Rogers, Vol. 1, pp. 152–154.

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Conference. This was agreed to, after debate, on a proposal to answer that the House would send an Answer by messengers of their own. The Conference was had the same day, and the Lord Steward reported that the Commons, through Mr. Harcourt, had proposed a Joint Committee. This Report was referred to the Committee, who met the next day and considered precedents, which were reported that day and are set out in the Journal. *Moved* that the Committee be ordered to prepare an Answer to the Commons' Message of 5 June. L. Steward and E. Burlington were added to the Committee, the House adjourned and the Lords went to the Committee. House resumed. *Ordered* that the Committee do meet immediately and report on Monday next. Com. Book. MS. Min. L. J., XVI. 724–5, 726–7. On 10 June *Moved* to send a Message to the Commons to desire that they will give order that such of their members as the Lord Somers shall have occasion to make use of at the trial may have leave to give evidence there for the Lord Somers. *Ordered* that Sir Christopher Wren attend this House immediately. [*Moved* to let the Commons know the Lords intend to try the Earl of Orford. *Ordered* that the E. Orford shall be tried on Tuesday next. A Message was sent to the House of Commons to let them know the Lords have appointed Tuesday next for the trial of Edward, E. of Orford, upon the Articles of Impeachment against him]* . . . . *Sir Christopher Wren* was called in. *Asked* in what forwardness the scaffolds in Westminster Hall are, and whether they will be ready against Friday next? *He says* they will be ready against to-morrow morning. MS. Min. On 12 June the Message from the Commons received yesterday was read. After debate, *Ordered* that the L. Somers's trial shall be [peremptorily]† on Tuesday next. MS. Min. On 13 June the *L. Steward* reported from the Free Conference with the Commons that Mr. Harcourt began the Free Conference on the Commons' part; and Sir Barthol. Shore, in what he said, did say that men owning themselves guilty of the same fact should vote at each other's trial, when arraigned for the same fact, would be abhorrent to justice. After debate of what has been offered at the Conference by the Lords as well as the Commons, a Message was sent to the House of Commons to ask the Commons to come again presently to the Conference. MS. Min. L. J., XVI. 742. On 14 June, after the Vote to insist on the Lords' refusal to have a Joint Committee, [*Proposed* to send a Message to the House of Commons to acquaint them that this House insist upon their former Resolution of the 10th instant to insist not to allow of a Committee of both Houses.]* MS. Min. On 16 June, at the Select Committee on the methods of Impeachments, the method used at the trial of V. Stafford on 26 Nov. 1680 was read, and it was agreed to report as reported by E. Marshal. L. J., XVI. 748–9. *In extenso.* It was also agreed to communicate the notes and rules to the Commons, which immediately follow in the Lords' Journal; the clause, "The Members of the Commons to be set first, before the Peers come," was ordered to be reported specially. Com. Book. After the Orders for tickets for Peers and for the attendance of the Guards, *Moved* to consider what place the E. Marshal shall take. The Statute 31 Hen. VIII. [read]. *Proposed* to hear the Judges in this case. *Ordered* that all the Judges attend this House to-morrow and that

* The words in square brackets are erased.
† Interlined and expunged.

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any Lords may have Counsel who think themselves prejudiced, and the E. Marshal also, and that a copy of E. Marshal's Patent be delivered to the Lords. MS. Min.

On 17 June *Moved* that the E. Carlisle do produce the E. Marshal's Patent and his own now for E. Marshal. [*Ordered* that the E. Carlisle be allowed his precedency with a *salvo jure* to his Majesty or any other Lords who shall think themselves concerned.]* Counsel was called in for the E. Marshal and other Lords concerned in his precedency in this House. *Mr. Serjeant Pratt*, for several noble Lords who think themselves concerned in a Patent granted to the E. of Carlisle as E. Marshal: We ought to see the Patents in this case. Counsel withdrew. *Proposed* that E. Carlisle shall take place this day as E. Marshal with a *salvo jure cujuscumque*, and on Thursday next the right of precedency claimed by him shall be determined. *On Question*. *Resolved* in the affirmative. *Ordered* that a copy of D. Norfolk's Patent of E. Marshal be sent to the Judges and the Counsel. . . . *On Question*, Whether this House shall [adjourn] *go some time this day*† into the Court in Westminster Hall for L. Somers's trial? *Resolved* in the affirmative. Contents 57, Not Contents 36: Tellers, E. Abingdon, E. Rivers. . . . A Message was sent to the House of Commons by Mr. Baron Tracy and Baron Berry to acquaint them that the Lords [have resolved to adjourn presently into Westminster Hall in order to the trial of John, Lord Somers, and that the other Lords who have Articles against them have desired leave to withdraw] *intend presently to proceed to the trial of John, Lord Somers, in Westminster Hall*† . . . . After E. Anglesey was excused from attendance, the House adjourned to robe. House resumed, and called over by the Clerk, and then adjourned to Westminster Hall and was there resumed. A marginal note, after the reading of the Articles, states that Lord Somers sat in a chair within the Bar, uncovered. . . . . *Moved* to acquit the Lord Somers. After long debate, *Proposed* to ask the Judges this question, Whether the Judges in the Courts below can proceed to judgment before issue joined? Then the question was asked the Judges. *L. C. Justice*: There is a matter of fact, and this must be tried. Of this the jury are judges. There is another way by matters of law, and there the Judges judge. *All* [the Judges] of this opinion. Then this question was put to the Judges: If a person be indicted of felony, treason or misdemeanour, then he pleads, Not guilty; and, if no evidence comes, then we impanel the Jury; and then, if no evidence, we order the Jury to acquit him, except they know him guilty in themselves. *L. C. Justice* desired to explain what is confessing and avoiding, and he is heard to this: If he confesses and makes a good plea, he avoids. What a man confesses, he avoids. *Q.* If a man be indicted of a trespass, as taking the term of a man's ground, but then owns he took it [by] right of titles? *A.* This is confessing and avoiding, and agreed so to be by the Judges. A *Question* was proposed, viz.:—That there being no evidence given for the maintaining Articles of Impeachment brought against John, Lord Somers, at his trial, it is the opinion of this House that he be acquitted of the said Impeachment, and that the said Impeachment be dismissed. Then the *Question* was proposed, as in L. J., with leave to protest. Then this *Question* was put, Whether the *Question* now read is the *Question* that shall be put below? *Resolved* in the affirmative. Contents 55, Not Contents 33: Tellers, E. Rivers, E. Abingdon. The House then adjourned to Westminster

* Expunged entry.

† Words in italics substituted for those in square brackets.

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Hall and the vote was there taken on the *Question*, Whether L. Somers should be acquitted? The vote, which is given at length in MS. Min., was as follows:—

Contents 56, viz.:—

L. Haversham.	Bp. St. Asaph.	E. Bath.
L. Herbert.	Bp. Bristol.	E. Essex.
L. Ossulston.	Bp. Gloucester.	E. Kingston.
L. Osborne.	Bp. Peterborough.	E. Stamford.
L. Cornwallis.	Bp. Norwich.	E. Rivers.
L. Granville.	Bp. Coventry.	E. Dorset.
L. Berkeley.	Bp. Ely.	E. Suffolk.
L. Rockingham.	Bp. Bangor.	E. Huntingdon.
L. Lucas.	Bp. Sarum.	Earl Marshal (E. Carlisle).
L. Culpeper.	V. Say and Sele.	
L. Byron.	E. Rochford.	D. Newcastle.
L. Mohun.	E. Romney.	D. Schonberg.
L. Lovelace.	E. Scarbrough.	D. Bolton.
L. North & Grey.	E. Montagu.	D. St. Albans.
L. Wharton.	E. Portland.	L. Steward (D. Devonshire).
L. Eure.	E. Berkeley.	
L. Fitzwalter.	E. Radnor.	L. Privy Seal (E. Tankerville).
L. Bergavenny.	E. Macclesfield.	
Bp. Chichester.	E. Shaftesbury.	Abp. Canterbury.
Bp. Lincoln.	E. Burlington.	

Not Contents 32, viz.:—

L. Jeffreys.	Bp. London.	E. Peterborough.
L. Godolphin.	V. Weymouth.	E. Denbigh.
L. Guilford.	E. Warrington.	E. Derby.
L. Dartmouth.	E. Marlborough.	E. Oxford.
L. Lexington.	E. Plymouth.	L. Chamberlain (E. Jersey).
L. Jermyn.	E. Abingdon.	
L. Howard of Eterick.	E. Rochester.	L. Great Chamberlain (E. Lindsey).
	E. Nottingham.	
L. Hunsdon.	E. Feversham.	M. Normanby.
L. La Warr.	E. Scarsdale.	D. Northumberland.
Bp. Exeter.	E. Thanet.	D. Somerset.
Bp. Rochester.	E. Carnarvon.	

The rest as in L. J.

On 23 June the Lords present, who voted unanimously for the acquittal of E. Orford, are given in MS. Min., as follows:—

L. Haversham.	Bp. Chichester.	E. Shaftesbury.
L. Herbert.	Bp. Peterborough.	E. Burlington.
L. Ossulston.	Bp. Lincoln.	E. Essex.
L. Cornwallis.	Bp. Norwich.	E. Kingston.
L. Berkeley.	Bp. Lichfield.	E. Stamford.
L. Rockingham.	Bp. Ely.	E. Rivers.
L. Lucas.	Bp. Sarum.	E. Huntingdon.
L. Culpeper.	V. Say and Sele.	Earl Marshal (E. Carlisle).
L. Mohun.	E. Rochford.	
L. Lovelace.	E. Scarbrough.	D. Newcastle.
L. North and Grey.	E. Montagu.	D. Schonberg.
L. Wharton.	E. Portland.	D. Bolton.
L. Eure.	E. Berkeley.	L. Steward (D. Devonshire).
L. Fitzwalter.	E. Radnor.	
L. Abergevenny.	E. Macclesfield.	Abp. Canterbury.

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The *Resolution as to absent Lords was at first drafted as follows:— That the Peers now in town who have, (without any just excuse), absented themselves from appearing at the trial of Edward, E. of Orford, and at the adjourned debate of this day relating to the Judicature and Honour of this House, are guilty of a great and wilful neglect of their duty, highly reflecting on the proceedings of this House. MS. Min.

Annexed:—

(*a*) 15 April. Impeachment of L. Somers as follows:—I do, in the name of the House of Commons and all the Commons of England impeach John, Lord Somers, of high crimes and misdemeanours, and do acquaint your Lordships that the Commons will in due time exhibit particular articles against the said Lord and make good the same. *Marked* (2). Brought this day from the Commons by Mr. Harcourt and others. L. J., XVI. 653.

(*b*) 15 April. Similar Impeachment of Edward, E. Orford. *Noted* at the top. By Order of the Commons. *Marked* (3). Brought this day from the Commons by Col. Bierly and others. L. J., XVI. 653.

(*c*) 15 April. Similar Impeachment of Charles, L. Halifax. *Noted* as preceding. *Marked* (4). Brought this day from the Commons by Mr. Bruges and others. L. J., XVI. 653.

(*d*) 9 May. Paper of precedents of Impeachments containing references to entries in Lords' Journals in the following cases:—

Bishop [of] Ely, 19 Dec. 1640 to 20 July 1641.
E. Bridgewater, 30 Aug. to 27 Oct. 1641. (*Noted* no further proceeding).
William Drake, 6 to 19 Dec. 1660.
V. Mordaunt, 29 Dec. 1666 to 8 Feb. 1666–7.
Sir Wm. Penn, 24 to 29 April 1668.
Edward Seymour, 21 Dec. 1680 to 8 Jan. 1680–1.
D. Leeds, 27 Ap. to 3 May 1695.
Goudet et al., 10 May to 4 July 1698.
Auriol [Oriel] and Dumastre [Dumaistre], 28 May to 30 June 1698.

[The first and the last two of these precedents were reported this day from the Select Committee on Impeachments as exceptional cases where bail had been required. *See* Notes above, and L. J., XVI. 672–4. *See Ib.* 716, where the rest of these cases are referred to; *Ib.* 696, where the cases of Seymour and D. Leeds, and *Ib.* 727 where those of E. Bridgewater, (with a further proceeding on 2 Nov.), and Seymour are reported].

(*e*) 9 May. Similar paper giving the cases of D. Buckingham, 11 and 16 May 1626, and of E. Danby, 23 and 27 Dec. 1678. [Read this day. MS. Min. *See* Notes above.]

(*f*) 14 May. Answer of Edward, Earl of Orford. Brought in this day. L. J., XVI. 681–3. *In extenso.*

(*g*) 24 May. Answer of John, Lords Somers. Brought in this day. *Ib.* 700–5. *In extenso.*

(*h*) 5 June. Paper of precedents from the Lords' Journals in the case of E. Middlesex's Impeachment, 1 to 13 May 1624.

* For the Resolution as finally adopted, *see* L. J., XVI. 767.

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[Probably the precedent considered in Select Committee this day. *See* Com. Book.]

(*i*) 7 June. Papers containing precedents from the Lords' Journals. *Reported* this day. L. J., XVI. 726–7. *In extenso.* *See also* (*k*[1]). The papers are :—

(*i*[1]) L. Chancellor St. Albans and Bishop [of] Llandaff, 20 March 1620–1 to 3 May 1621.

E. Middlesex, L. Treasurer, Ap. 16, 24, 27, May 1, 10, 11, 13.

[The first case is referred to L. J., XVI. 716. For the entries in the last, except those in May, *see* L. J., XVI. 726. *In extenso.*]

(*i*[2]) Continuation of preceding, giving entries of April 28, 29 and May 7 in E. Middlesex's Case. L. J., XVI. 726–7. *In extenso.*

(*i*[3]) E. Bridgewater, 30 Aug. to 2 Nov. 1641. *Ib.* 727. *In extenso.* On the 3rd and 4th pages are precedents for the Lords' fixing the day of Hearing and of taking notice of delay in the Commons, viz :—

V. Mordaunt, 21 Jan. 1666–7.
Five Popish Lords, 6 May 1679 to 12 Nov. 1680.
Mr. Seymour, 3 & 8 Jan. 1680.
D. Leeds, 1 May 1695.
Goudet and others, 3 June 1698.
Five Popish Lords, 5 and 16 Dec. 1678.

[*See* Lords' Reasons reported 10 June L. J., XVI. 733. *See also* (*l*) below].

(*i*[4]) George Benyon 31 March to 6 April 1642. *Ib.* 727. *In extenso.*

(*i*[5]) Sir Richard Gourney, Lord Mayor, 5 to 22 July 1642. *Ib.* 727. *In extenso.*

(*k*) 9 June. Paper of precedents from the Lords' Journals, headed Conferences, viz :—

(*k*[1]) On the point of Impositions, 21 to 26 May 1614.

Lords' Judicature, 27 May 1675.
V. Mordaunt, 1 to 7 Feb. 1666–7.
[L. J., XVI. 729, 730. *In extenso.*]

E. Stamford, 17 July to 30 Sept. 1645. [Reported 7 June. *Ib.* 727. *In extenso.* *See also* (*i*) above.]

(*k*[2]) Five Popish Lords, 6 to 22 May 1679. [*Ib.* 730. *In extenso.*]

(*k*[3]) Fair copy of preceding down to part of 19 May 1679.

(*l*) Precedent of 6 Feb. 1693 of Messages putting the other House in mind of anything delivered at a Conference or otherwise except Bills. [*See* Lords' Reasons, reported 10 June. L.J., XVI. 733. *See also* (*i*[3]) above.]

(*m*) 16 June. Answer of Charles, Lord Halifax. Brought in this day. L. J., XVI. 750–2. *In extenso.*

1616. April 1. Naturalization (Pynyot, &c.) Act.—Petition of Auguste Pynyot [Piniot], born of Protestant parents in Normandy, but not bred in France. He belongs to the Protestant religion as established in the Church of England, for the better enjoyment whereof he left his native country and has resided here ten years, where he hopes ever to abide. Prays leave to bring in a Bill for his naturalization. *Signed*

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August Piniot. [Read this day. *Ordered* that Petitioner be included in the pending Bill (Lofland's),* but he was not so included. L. J., XVI. 640. (*See also* Annex (*c*)). A Bill for his naturalization was brought in and read 1ª on 9 April. Royal Assent 12 June. L. J., XVI. 646, 739. 13 Will. III. c. 39 in Long Cal. In the Select Committee his name was altered to Jacob Auguste Pynyot, and his brother Hector Francis, together with Henry Ditch were added to the Bill. Com. Book 14 April. James Bruce was added by the Commons. C. J., XIII. 594.]

Annexed:—

(*a*) 10 April. Petition of Hector Francis Pynyot [Piniot], a Protestant, born of Protestant parents in France. Came over for the better enjoyment of his religion, and intends to continue here. Prays leave to bring in a Bill for his naturalization. *Signed* Francis Puniot. *Endorsed* as read this day. *Ordered* that Petitioner be added to the pending Bill. L. J., XVI. 648. [The Petitioner's name was added on 14 April in the Select Committee. Com. Book. *See also* Annex (*d*)].

(*b*) 10 April. Petition of Henry Ditch [Dich], late quartermaster in Brigadier Shaack's Regiment of Horse in the English Establishment. Attended the King at his first coming over, and served in the war of Ireland and in Flanders. Was broke three years ago, and, not being naturalized, has been incapable of any post in the army. Is settled in England, with a wife and four children, and desirous of serving the King and Kingdom. Prays to be included in the pending Bill to naturalize several foreign merchants. *Signed* Heinrich Dich. *Endorsed* as read this day. *Ordered* that Petitioner be added to the pending Bill. L. J., XVI. 648. [The Petitioner's name was added to the Bill on 14 April in the Select Committee. Com. Book. *See also* Annex (*e*)].

(*c*) 14 April. Certificate that Jacob Augustos Pynyott, of St. Anne, Westminster, on 6 April 1701, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Anne's, Westminster. *Dated* 7 April. *Signed* Mo. Holwey, Minister, William Movett, Churchwarden. *Attested* by Joseph Grace and Richard Browne, both of St. Anne, Westminster. [Produced this day before the Select Committee. Com. Book.]

(*d*) 14 April. Identical Certificate for Francis Pynyott. [Produced this day before the Select Committee, when his name was added to this Bill. Com. Book.]

(*e*) 14 April. Certificate that Henry Ditch received the Sacrament at the German Lutheran Church in the parish of St. Mary Savoy, on 6 April, according to the usage of the Lutheran Church. *Dated* eod. die. *Signed* Irenæus Crusius, M.A., Minister, Stephen Hide, Churchwarden. *Attested* by John Toe and A. Bockheif. [Produced this day before the Select Committee, when Ditch's name was added to this Bill. Com. Book.]

1617. April 2. Brookfield and Newport Markets Bill.—Lords' Engrossment of the Bill, identical with the Draft Bill as amended, (No. **1570**). *Parchment Collection.* [*Ordered*. that the Bill be engrossed this day. *Endorsed* as Rejected on 15 April. For the proceedings on the Bill *see* No. **1570**.]

* No. **1613**.

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1618. April 7. Coward *v.* L. Mohun.—Petition of Philipps, Lady Mohun.* Petitioner prays that Charles, Lord Mohun, may not be allowed to claim his Privilege in order to stop her suit to gain possession of her jointure lands. L. J., XVI. 645. [Read this day and dismissed.]

1619. April 8. Dillon's Divorce Act.—Amended Draft of an Act for dissolving the marriage of Sir John Dillon with Mary Boyle and for other purposes therein mentioned. The amendments, in addition to the amendment of clerical errors, were to leave out, after the recital of Lady Dillon's adultery, the words, and, in or about the month of August 1699, was delivered of a child which is since reported to be dead, and to substitute, at the end of the Bill, the clauses, marked A, for a clause granting her a sum, the amount of which was left blank, for her subsistence and maintenance. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 12 June. L. J., XVI. 645, 739. 13 Will. III. c. 26 in Long Cal. On 25 April Counsel were heard at the Bar. *Mr. Dobbins* proposes to make good the allegations in the Bill. *Mr. Phipps*, for Lady Dillon: We are willing to be rid of Sir John, as he is of us. If we have a settlement, we shall not oppose the Bill. *Mr. Sloane*, for the same, repeats this statement. *Mr. Dobbins*, for Sir John: She eloped from him. We can satisfy your Lordships the facts in the Bill are true. We desire care may be taken of us. That is not a frivolous Bill. Council withdrew. Bill read 2ª and committed to C. W. H. forthwith. In C. W. H., V. Longueville in the Chair, the clause for maintenance was read. *Moved* to fill the blank with 200*l.* per annum. *On Question?* *Resolved* in the negative without a division. Then this *Question* was put, Whether the Lady Dillon shall have 100*l.* per annum for her subsistence and maintenance during Sir John's and her lives, and 200*l.* per annum for her jointure after Sir John's death? *Agreed to.* The allowance to begin from Lady Day last past. Next [? preceding] clause [as to her debts] read, which had been postponed. *Proposed* that Sir John Dillon pay the lady 200*l.* *On Question*, Whether Sir John shall allow his lady 200*l.* for the payment of her debts? *Resolved* in the affirmative. *Agreed* to leave out the words delivered of a child. Counsel were directed to draw a clause that the Lady Dillon shall have 100*l.* per annum for her subsistence and maintenance, rentcharge, without taxes, paid her in the Middle Temple Hall, London, during the joint lives of her and her husband, and 200*l.* per annum, only if she survive her husband; and also that Sir John do pay her 200*l.* towards payment of her debts. On 29 April, in C. W. H., V. Longueville in the Chair, the clauses drawn by Counsel, as ordered, were brought in and read. *Counsel*, for Sir John, opposes the land to be charged, and moves they may name trustees. *Mr. Sloane*, for the Lady, opposes the naming trustees. *Agreed* to leave out Lismullen from the lands charged in the clauses drawn by Counsel, and to substitute the houses in Limerick. Then these clauses, as amended, were substituted for the last clause in the Bill. The House was resumed. *Proposed* to report presently. *On Question*, Whether the Report shall be now made? *Resolved* in the affirmative. Contents 27, Not Contents 16. *Report* made and Bill agreed to down

* This Petition should be read in connection with the Cause, Coward *v.* L. Mohun, in March 1696–7, in which Lady Mohun and her second husband Mr. Serjt. Coward endeavoured to have the trusts of Lady Mohun's first marriage settlement carried out. Their Petition was dismissed *See* House of Lords MSS., Vol. II. (New Series), No. 1135.

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to the clause for 200*l.* after Sir John's death, and to be paid in London. After debate, *On Question*, Whether the 200*l.* per annum payable in London shall be made 100*l.* per annum after Sir John's death, payable in Ireland? *On Question*, Whether to agree with the Committee in this clause? *Resolved* in the negative. Contents 15, Not Contents 25: Tellers, V. Longueville, L. Wharton. *Agreed* that the 200*l.* be made 100*l.* The rest of the Bill agreed to. MS. Min. L. J., XVI. 660, 664.]

Annexed:—

(*a*) 25 March. Petition of Sir John Dillon, of Lismullen, Ireland, Knt. Petitioner in 1684 married Mary Boyle, and settled all his estate, with a rentcharge of 500*l.* per annum for her jointure. After having two daughters, still living, by Petitioner, she eloped on 24 October 1695, and has since remained in England. Petitioner was in England from Dec. 1695 to May 1696, and never since until March 1700. During her elopement she has lived in lewd and open adultery, and in August 1699 was delivered of a child, since dead, and she may have had others. Petitioner is in danger of having a spurious issue imposed upon him. His estate is charged with her jointure besides 3,000*l.* for his daughters. He prays leave to bring in a Bill to dissolve the marriage, to bastardize her issue since the elopement, to discharge the estate from the jointure and to relieve him from her debts. He is willing to allow her some reasonable maintenance. *Signed* Jo. Dillon. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 634.

(*b*) 1 April. Petition of the same. As the Petitioner cannot with safety attend to prosecute his Bill by reason of the debts contracted by his wife since her elopement, he prays their Lordships to grant him the protection of the House. *Signed* Jo. Dillon. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 640.

(*c*) 9 April. Petition of Mary, wife of Sir John Dillon, and daughter of Viscount Blessington. She has been for five years without any support from her husband, and has no means to defend her settlements, made on most valuable considerations of marriage and a good portion, unless her husband is forced to contribute towards her maintenance. Prays that no further steps may be taken on the Bill till she is capable of defending her interests, that she may be heard by Counsel against it, and that her husband may allow her a competent maintenance till she can be heard. *Signed* Mary Dillon. L. J., XVI. 646.

(*d*) 10 April. Petition of Sir John Dillon in answer to preceding. It was intimated to his wife that she should have a competent subsistence, if she would leave off her lewd conversation, which she refused. Petitioner has never given her any occasion to recriminate. Hopes he may not be compelled to allow her any maintenance during the dependence of the Bill, it never having been done in like cases in Parliaments. His solicitor has given her a copy of the Bill and will fee any Counsel or solicitor she shall employ. But Petitioner thinks it not reasonable she should be entrusted with any money herself, for she may employ it to take off his evidence, he finding already that one of his witnesses is falling off from what she has already deposed. Prays that the Bill may be forthwith proceeded on. *Signed* Jo. Dillon. *Endorsed* as read this day. L. J., XVI. 647.

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(*e*) 14 April. Petition of Mary, Lady Dillon, that the fees of her solicitor and Counsel, offered by her husband and ordered by the House, may be deposited in the hands of a third person, as she finds it very difficult to procure Counsel and a solicitor, if Sir John's solicitor is to fee them. The persons to whom she has applied have already refused to appear for her. *Signed* Mary Dillon. *Endorsed* as read this day. L. J., XVI. 652.

(*f*) 15 April. Petition of Sir John in answer to preceding. Has directed his solicitor to pay his wife's solicitor her Counsel's fees, but does not think it reasonable she should have more Counsel than he. His solicitor has paid her House Fees. Prays that she may not be entrusted with the money herself, but that the former Order of the House, of the 10th instant, may stand. *Signed* Jo. Dillon. *Endorsed* as read this day. [No entry in L. J.]

(*g*) 29 April. Amendments made in C. W. H. on 25 and 29 April. *Reported* this day.

(*h*) 29 April. Draft Clauses, marked A, drawn by Counsel, pursuant to Order made in C. W. H. on 25 April, for the lady's maintenance and for payment of her debts, and substituted this day for the last clause in the Bill, after amendment.

1620. April 9. Association Roll (7 and 8 Will. III. c. 27).—Roll to contain signatures of Lords subscribing to the Association set out in the Act of 1695–6 for the better security of his Majesty's royal person and government. The only signature is that of Humphry [Humphreys] Bishop of Bangor, who took the Oaths this day. L. J., XVI. 646. *Parchment Collection.*

1621. April 9. Test Roll (25 Car. II. c. 2).—Roll to contain the signatures of Lords to the Declaration in the Act of 1672 for preventing dangers which may happen from Popish Recusants. The only signature is that of Humphry [Humphreys], Bishop of Bangor. *Parchment Collection.* [On 9 April the Bishop of Bangor took the Oaths and made and subscribed the Declaration. L. J., XVI. 646. Henry Roberts and William Griffiths testified that they had seen the Bishop receive the Sacrament pursuant to the Statute. MS. Min.]

1622. April 10. Farewell *v.* E. Montagu.—Petition of Arthur Farewell, Esq. Petitioner is the only son, heir and administrator of Mary Farewell, one of the daughters of Nicholas Monk, late Bishop of Hereford, who was younger brother of the renowned General Monk, father of Christopher, late Duke of Albemarle. Duke Christopher, by his Will in 1687, charged his lands in Cheshunt and Enfield, in Herts. and Middlesex, worth 1,200*l.* a year, with an annuity, during his wife's life, of 170*l.*; 100*l.* of this sum was for the Petitioner's maintenance and education, and the residue for his mother. She died 7 years ago. Not a penny has been paid, so that Petitioner, who has no other means, has contracted debts owing to which he is now a prisoner in the Fleet. He obtained leave to use the names of the surviving executors and trustees after indemnifying them to recover by distress the arrears, which amounted to 2,040*l.* last Christmas. Ralph, E. Montagu, however, who, by his marriage with the Duchess, was in possession of the lands charged in trust for the Petitioner, refused either to pay the money, or to admit a distress, or to waive his Privilege with a view to a trial at law. Prays for relief, otherwise he must inevitably perish. *Signed* Art. Farewell. [After the Petition had been read, *Ordered* that E. Montagu do answer thereunto in ten days'

time. L. J., XVI. 647. The Earl brought in his Answer (Annex (*a*)) on 26 May. There seem to have been no further proceedings. MS. Min.]

Annexed:—

(*a*) 26 May. Answer of Ralph, E. Montagu. He is seised of the lands mentioned, but is not in any sort a trustee for Petitioner, as unfairly suggested. Insists on his Privilege. *Signed* Montagu. *Endorsed* as brought in this day. L. J., XVI. 707.

1623. April 10. Morley's Estate Bill (Petition).—Petition of Charles Morley, M.D., and Elizabeth, his wife, on behalf of themselves and of Elizabeth Calthorpe, an infant. In 1681 Petitioner Elizabeth, now the wife of Charles Morley, married James Calthorpe, son and heir of Sir L'Estrange Calthorpe and Dame Ann, his wife. The only issue of that marriage now living was Elizabeth Calthorpe, who is now 18 years old and an heiress in reversion without any present portion or maintenance. On Petitioner Elizabeth's marriage, part of the manors of West and North Basham, &c., in Norfolk, which belonged to James Calthorpe were charged with 260*l.* per annum to her use if she survived her husband. The other part was to be for the use of Dame Ann, after whose death the whole estate was to be charged with 280*l.* per annum for Petitioner Elizabeth. Her husband died some years after, and she married Petitioner Morley in 1689. Dame Ann is still living, and the estate has not met half the Petitioner's rentcharge. The arrears still increase, and soon the reversion will be of no value to the infant. Petitioners are willing to consent to the sale of the estate, to secure a marriage portion for the infant. Pray leave to bring in a Bill for the sale of the estate, saving the interest of Dame Ann and her daughters Mary and Barbara, for the payment of the arrears, for raising the marriage portion and giving Petitioner Elizabeth an equivalent for her life interest. *Signed* Charles Morley, Eli. Morley, Elizabeth Calthorpe. [Read this day. Leave was given to bring in a Bill, but there appear to have been no further proceedings. L. J., XVI. 648.]

1624. April 12. Sanford's Estate Bill (Petition).—Petition of John Sanford, Esq. He is tenant to the Dean and Chapter of Exeter for the manor of Culmstock, Devon, by lease for 21 years. By the custom of the manor he has power to grant estates by copy of Court Roll for one or two lives jointly in possession and also for one life in reversion, subject to the custom of widows' estates. This tenure is subject to many inconveniences to both copyholders and Petitioner, whereby the revenue is like to decay. The Dean and Chapter are willing that a power of granting estates by leases for years, determinable on one, two or three lives, should be substituted. Prays leave to bring in a Bill for that purpose. *Signed* John Sanford. [Read this day. *Ordered* as prayed. L. J., XVI. 650. No Bill appears to have been brought in.]

1625. April 12. Elizabeth Perkins' Estate Bill.—Draft of an Act for making a competent provision for the maintenance of the children of Edmund Perkins, Esq., by Elizabeth, his wife, out of the fortune of the said Elizabeth, and for the education of the said children in the Protestant religion established by law. Whereas Thomas Henslow, Esq., lately deceased, was in his lifetime seised in fee simple of an estate of the yearly value of 600*l.* and upwards, well stored with wood and timber, the said Thomas Henslow descending from ancestors who were of the Protestant religion; and the said Thomas Henslow, being

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so seised, had issue only two daughters, Katherine and Elizabeth, and afterwards died, the said Katherine and Elizabeth surviving their said father, and being at the time of the decease infants of tender years; and whereas Edmund Perkins, late of Winckton, in Hampshire, but now of Athelhempston, in the county of Dorset, Esq., after the decease of the said Thomas Henslow intermarried with the said Elizabeth, one of the daughters and coheirs of the said Thomas Henslow, the said Elizabeth being, at the time of her marriage, an infant about 15 years of age, and the said Edmund Perkins being then and yet a Roman Catholic; and whereas the said Edmund Perkins, in right of the said Elizabeth, possessed himself of the moiety of the said estate, descended as aforesaid to the said Elizabeth from her said father, the said Thomas Henslow, and has since sold and disposed of the same to Richard Norton, Esq., or some other person or persons, for the sum of 6,700 pounds, contrary to the agreement expressed and declared upon marriage, by which the said moiety of the said estate, descended, as aforesaid, to the said Elizabeth, was to remain unsold and to descend to the issue of the said Edmund by the said Elizabeth; and whereas the said Edmund Perkins, being, as aforesaid, a Roman Catholic, has, upon account of religion, imposed great hardships upon the said Elizabeth, and for several years past used her in a very cruel and unnatural manner, the said Elizabeth being a Protestant of the Church of England, as by law established, and descended, as aforesaid, of a Protestant family; and whereas the said Edmund Perkins, having had issue by the said Elizabeth five children, viz., Elizabeth, Lucy, Francis, Mary and Edmund, who are now all infants of tender years, the said Edmund Perkins, with intent to breed and educate them in the Catholic religion, has taken away and removed from the said Elizabeth her said children, and caused them to be carried and conveyed to Athelhempston aforesaid, being a lone house not far from the seashore, with design, as is reasonably to be feared, to transport them or some of them to be educated in the Popish religion in some foreign school or seminary, and the said infants are at present committed to the tuition and guardianship of a Popish priest and others, being Papists, to the great discomfort of the said Elizabeth and to the encouragement of the growth of Popery in this Kingdom, the example whereof may be of dangerous consequence to the public if not prevented in all just and reasonable instances.

The Bill enacts that the Lord Chancellor or the Lord Keeper shall direct the children's education, as in the case of wards of Chancery; that the children shall be under the care, tuition, inspection and guardianship of the L. Chancellor or L. Keeper till the age of 21. The L. Chancellor or L. Keeper is empowered, on petition of their mother or otherwise, to take effectual care that they be brought up in the Protestant religion, by appointing such Protestant guardians, tutors, masters, or matrons as they shall think fit. In order to make a competent and reasonable provision for the maintenance and education of the infants, the L. Chancellor or L. Keeper is empowered by process of the Court, to compel Edmund Perkins to make a reasonable allowance out of his wife's estate, or out of any estate since purchased with her money, up to a certain yearly value. Nothing in the Act is to impeach or alter any agreement between Edmund Perkins and his wife concerning any jointure, settlement or other provision or maintenance belonging to her. [Brought in and read 1ª this day. L. J., XVI. 650. On 24 May Counsel were heard at the Bar. *Mr. Dobbins*, for Mr. Perkins: This is a Bill of an extraordinary nature. *Mr. Phipps*, for the same: This was all caused from one Bishop who borrowed money to come to Mr. Perkins's

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house, and, after being there some time, he could lend money to others. *Mr. Dodd*, for Mrs. Perkins: We can make good the allegations in the Bill. Mr. [Mrs.] Perkin's reputation is unspotted, and we have several gentlemen and ladies to attest the same. Mr. Perkins designs to send away the children. *Mr. Browne* also heard for the same. *Mrs. Elizabeth Reynolls* (sworn): Mr. Perkins turned his wife out of doors when he knew she was turned Protestant. The quarrel was about the matter of breeding the children. *Mr. Burby* (sworn): I have known Mr. Perkins and his wife nine or ten years. They lived very well till within two or three years. *Mrs. Grace Wagg* (sworn) and heard. *Richard West* (sworn): I administered the Sacrament to her. It was about a fortnight since. She said she forgave Mr. Perkins and all the world. *Mr. Knapton* (sworn): I knew Mrs. Perkins seven years. She always behaved herself well and had a good report amongst her neighbours. She said there had been scandalous reports about. She apprehended there was an intention to carry her over sea. *Shetlock* and *Henry Lacy* (sworn) and heard. *Mr. Doore* (sworn): Mrs. Perkins is a very sober woman. I heard Mr. Bishop was there. *Mr. Cowes* (sworn): She is a Protestant of the Church of England. On 26 May *Mr. Dobbins* heard for Mr. Perkins. *Mr. Penny* (sworn) and heard for Perkins. A letter was produced, which was found in Mrs. Perkins's cabinet. They prove the letter to be Bishop's writing, date 16 Jan. 1688–9, directed for Madam Perkins. *Mr. Arundell* (sworn) and heard. *Eleanor Graham* (sworn): I knew Mrs. Perkins. Before she was married she was a Papist. *Mr. Lenthall* and *Katherine Lacy* (sworn) and heard. *Mr Lacy* (sworn): I never heard a word of difference till Mr. Bishop came into the family. A letter of Mrs. Perkins read. *Mr. Phipps* heard for Mr. Perkins. *Mr. Rever* (sworn): Produced the letter: There was another letter from Mrs. Perkins to Mr. Bishop. *Mr. Wentworth* and *Mrs. Longe* (sworn) and heard. Counsel withdrew, and the House went into debate, Whether the Bill shall be rejected or not? The Bill was read 2ª. *Question*, Whether it should be committed? *Resolved* in the negative. Contents 19 and 5 Proxies, Not Contents 29: Tellers, L. North, L. Herbert. Then, *On Question*, the Bill was rejected. MS. Min. L. J., XVI. 706, 707.]

Annexed:—

(*a*) 23 April. Petition of Edmund Perkins, Esq. The Bill contains many malicious and false allegations. Most of the witnesses who can disprove them live above 100 miles from London. Prays to be heard by Counsel before the Second Reading, and to be allowed a convenient time to bring up his witnesses. *Signed* Edmund Perkins. *Endorsed* as read this day. L.J., XVI. 658.

(*b*) 24 April. List of witnesses for Mr. Perkins, "and that they may have the protection of this Honble. House." The list includes the names of the Honble. Henry Arundell, Esq., Junior, of Bremore, Hampshire, Sir Henry Tichbourne, Bart., of Tichbourne, Hampshire, and 15 other persons. *Endorsed* with this day's date.

(*c*) 12 May. Petition of Elizabeth Perkins. Petitioner has been turned out of doors in a forcible and violent manner by her husband. She has no subsistence or allowance wherewith to bring up her witnesses or fee Counsel. Prays to be heard by Counsel at the Bar, and that her husband may make her an allowance for her Counsel and to bring up her witnesses. *Signed* Elizabeth Perkins. *Endorsed* as read this day. L.J., XVI. 678.

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1626. April 15. Bowyer's Estate Bill.—Commons' Engrossment of an Act for vesting the estate of Sir John Bowyer, Bart., in trustees to enable him to make a settlement in order to his marriage. Whereas the late Sir John Bowyer, of Knipersley, Staffordshire, Bart., father of the present Sir John, had, on his marriage with Jane Murray in 1675, settled Stalbrooke House and other property, worth 160*l.* a year, on himself and his heirs, and conveyed his manors, &c., of Knipersley, Norton in or upon the Moors, Bucknall, Apedale, Stalbrooke, Derington, one-third of Tunstall, Biddulph, Childerplay, Baddeley, Bemmersley, Milton, Over Heckley, Fenton, Culvert, Whitmore, Burslam, Woolstanton, Chesterton, Audley, Delves Ridge, Handford, Hanchurch, Clayton, Griffith, Redstreet, Loughton, Derington juxta Meare, Padmore, Halmerend, Thicknesse, the borough and manor of Newcastle under Lyne, Sidway Meare, Meare Lane and Ashton or elsewhere in Staffordshire, to the use of himself for life, then to trustees for his widow in life rent, for her jointure, then for the issue male of the marriage and then for the heirs male of Sir William, his grandfather, with a proviso that Dame Jane's interest should cease on lands worth 700*l.* a year being settled upon her, the settled lands not being then worth so much over and above the incumbrances, most of which are now discharged; but Sir John died before the property was cleared or the 700*l.* settled on Dame Jane, who is still willing to accept it; and whereas his only son, Sir John, is heir male both of his father and of his great-grandfather and could dock the entail, but for his mother's interest; and whereas his father mortgaged several lands and encumbered the estate with debts which it would be well to clear off to keep the property intact; and whereas there is a treaty of marriage pending between Sir John, now under age and unable to make a settlement, and a lady with a considerable portion, of which 4,000*l.* will clear the estate and the rest will go to furnish a house and provide stock, the Bill vests the above entailed property and the equity of redemption of the property vested in his father in fee, which he had mortgaged, in William, Lord Digby, Baron of Grashill, Sir Charles Holt, of Aston, Warwickshire, Bart., and William Colemore, of Warwick, Esq., in trust to settle lands worth 700*l.* a year in Dame Jane, and reversion thereof, and all the other property as shall be agreed by the parties concerned, but, if Sir John have no issue male, in accordance with the former settlement, with the usual portions for daughters, the marriage portion being paid to John Lanyon, of St. Martins-in-the-Fields, Gent., and Henry Jephcott, of the Priory, Warwick, Gent., to be applied as above recited, any lands purchased with it being settled on Sir John and his heirs. The Bill further vests in the said trustees, Lord Digby, Holt and Colemore, a fourth of a fourth of the manors of Little Bentley, Landinmer Hall and other manors, &c., comprised in an indenture of 25th June 1672 between Henry Murray, Esq., and Ann, his wife, (sister of the late Lord Bayning and co-heir of Anne, Countess of Oxford, his surviving daughter), Dame Jane Bowyer, their daughter, the late Sir John Bowyer, her husband, and Sir Henry Puckering and Sir Thomas Whitgreave, after the death of the present Earl of Oxford, as well as a fourth of the manor of Foxley *alias* Foxleys, Berks, which had been settled on Dame Jane Bowyer for life and then on her male issue by the late Sir John, and the trustees are, on the present Sir John's marriage, to settle this property as may be agreed, with Dame Jane's consent, unless Sir John come of age or die before marriage, in which case the trust is to cease; and, until such settlement, persons entitled to the rents may receive them. Then follows the general saving clause. *Parchment Collection.* [Brought from the Commons and read 1ª this day. The

Bill was read 2ª and committed the following day. L.J., XVI. 653, 654. No further proceedings are recorded.]

No. 1626.

1627. April 15. Mr. Sloane's Arrest.—Affidavit of Edward Watty, Gent., that James Sloane, Esq., was taken by a sheriff's officer, upon an attachment at the suit of John, Earl of Bath, in Deponent's chamber, in Symond's Inn. Mr. Sloane offered Mr. Groundman and Deponent bail for his appearance, but the officer and Mr. Nicholls, the Plaintiff's clerk in Court, refused to accept bail, although Mr. Sloane informed them he was going to attend a Committee of the House of Lords.* *Signed* Edw. Watty. *Sworn* this day before Tho. Gery. [Read this day. L. J., XVI. 653. Watty was examined at the Bar on 16 April, and stated that the arrest took place about the middle of last week. The officers kept Mr. Sloane till he entered appearance before the Register. A motion that the bailiff and clerk in court should be taken into custody was negatived. MS. Min. L. J., XVI. 656.]

1628. April 16. St. John's Name Act.—Amended Draft of an Act to change the surname of Ellis Mews and his heirs to the surname of St. John. The Lords made one amendment, to add the right of the King's Majesty, in the general saving clause. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 12 June. L. J., XVI. 656, 739. 13 Will. III. c. 34 in Long Cal. *See also* Com. Book 2 May.]

Annexed:—

(*a*) 10 April. Petition of Ellis Mews, Gent. Petitioner intermarried with Frances St. John, deceased, late of Farley Chamberlaine, in the county of Southampton, one of the sisters and coheirs of Oliver St. John, Esq., deceased. His wife settled all her estate on him and his heirs and assigns for ever, on condition that he assumed the surname of St. John, and procured an Act for that purpose. Prays leave to bring in a Bill. *Endorsed* as read this day. *Ordered* that Judges attend and that deeds be produced to-morrow. [On 11 April, on debate on the Petition, the L. Keeper was heard, and leave was given to bring in a Bill. MS. Min. L. J., XVI. 647, 649.

1629. April 17. D. Ormonde's Estate Act.—Amended Draft of an Act for the more speedy payment of the creditors of James, late Duke of Ormonde, and of the present Duke of Ormonde. The amendments, made in the Lords and also in the Commons, were merely of a drafting character. They were to fill in the blanks with dates, sums of money and the names of trustees. [Read 1ª this day. Royal Assent 12 June. L. J., XVI. 656, 738. 13 Will. III. c. 10 in Long Cal.]

Annexed:—

(*a*) 16 April. Petition of James, Duke of Ormonde and Charles, Lord Baron of Weston, Earl of Arran, in the Kingdom of Ireland. The Act lately passed to pay the debts of the late Duke, Petitioner's grandfather, which were much increased, as the Petitioner was deprived of his rents during the late rebellion in Ireland, has proved deficient. Petitioners therefore pray leave to bring in a new Bill giving enlarged powers. *Signed* Ormonde, Arran. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 656.

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* On Brookfield Market Bill. *See* No. 1570.

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(*b*) 2 May. Paper of amendments made in the Select Committee this day. Com. Book.

1630. April 17. Hyde's Estate Act.†—Amended Draft of an Act for vesting the estate of Humphry Hyde, Esq., deceased, in trustees, for raising portions for his younger children. The principal amendments made by the Lords were to insert the clause for a jointure to the wife of the son or sons of Humphry Hyde, both in the preamble and also in the enacting part of the Bill, as well as the clause for the 50*l.* legacy to the poor of Kingston Lisley and to fill blanks with the names of the trustees. Com. Book 8 May. The only amendment of any importance inserted by the Commons was a proviso to protect the jointure of the widow against any act on the part of the trustees of the estate. C. J., XIII. 589. [Read 1ª this day. Royal Assent 12 June. L. J., XVI. 656, 738. 13 Will. III. c. 21 in Long Cal.]

Annexed:—

(*a*) 12 April. Petition of Elizabeth Hyde and Mary Hyde, two of the daughters of Humphry Hyde, late of Kingston Lisley, in the county of Berks, Esq., deceased, and of John Hyde, his eldest son and heir. Petitioner's father was seised in fee of the manor of Kingston Lisley and of Fawler Battleking *alias* Baulking, in Sparsholt, Berks. In Nov. 1692 he conveyed his estate to several persons, in trust that they and Gertrude Hyde, his wife, (without her taking anything by the limitation of the said estate by the premises and habendum of the said deed), should raise out of the profits 5,000*l.*, in manner and for purposes to be directed by his Will, for the younger children. By his Will, made in Jan. 1692–3, he left 1,200*l.* to each of the Petitioners Elizabeth and Mary, but gave no directions how the money was to be levied. The trustees cannot raise the money without Gertrude, but, as she has no estate, as aforesaid, she cannot act with them. The portions cannot therefore be raised, and are a growing incumbrance which will ruin the estate. The trust estate is worth about 400*l.* a year, of which 60*l.* a year is for John Hyde's maintenance. Pray leave to bring in a Bill giving the trustees power to grant leases for years, copyhold estates for life or lives, or to mortgage or sell part of the estate, to raise the 2,400*l.* *Signed* John Hyde, E. Hyde, M. Hyde. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 650.

(*b*) 8 May. Paper of amendments made in the Select Committee this day. Com. Book.

1631. April 23. Writ of Summons (D. Newcastle).—Writ of Summons to John, D. Newcastle-upon-Tyne. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 658.]

1632. April 24. Writ of Summons (E. Winchilsea).—Writ of Summons to Charles, E. Winchilsea. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 659.]

1633. April 24. Tily *v.* Wharton.—Petition and Appeal of Sir Joseph Tily, Knt., and Dame Deborah, his wife, late wife of Sir John Roberts, Bart., and his administratrix. Sir John Roberts, out of charity, entertained in his family, as a poor relation, Eunice, the

† *See* No. 1478.

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daughter of Anne Broome, but being informed that she could counterfeit his hand, he exhibited his Bill of discovery in Chancery in 1691 against her and her mother and their confederates, charging them with contrivances to entangle his estate. Anne and Eunice disclaimed having any bond executed by Sir John, or any claim on his estate; but after his death they set up a pretended bond for 1,500*l.*, dated 20 Oct. 1690, which none of those whose names appeared as witnessing it could swear was executed by Sir John, and one swore his own name was forged. Ebenezer Broome, moreover, the brother of Eunice, made a confession pointing to the conclusion that the bond was forged. After many suits and alleged neglect on the part of the attornies, Eunice, who had in the meantime married William Wharton, obtained a Decree in Chancery, on 28 June in 12 Will. III, against Appellants and John Caulier, Samuel Browning, John Gardner, Robert Attwood and Richard Turner, Sir John's trustees, ordering the Appellants to come to an account before Sir Lacon William Child, Knt., for Sir John's personal estate, any deficiency to be made up by sale of part of the real estate; and on a rehearing, this Decree was confirmed by the Lord Keeper on 22 March last. Appeal against these two Decrees, as being contrary to the oath of the Respondents and the evidence pointing to forgery, and as giving Respondents greater advantages than they would have had by law. *Signed* Jos. Tily, Deb. Tily. *Countersigned* James Sloane, Wm. Attwood. L. J., XVI. 659. [At the Hearing on 31 May, *Sir Thomas Powys* and *Sir Bartholomew Shore*, for the Appellants, said they desired a new trial, standing with two trials against one, and produced the bond. *Mr. Solicitor* and *Mr. Dobyns*, for the Respondents, read the Answer in Chancery, and Anne Broome['s deposition]. The Decree was reversed so far as that there should be a new trial. MS. Min. L. J., XVI. 714. On 9 June one Counsel of a side were heard on Respondents' Petition (Annex (*c*)) as to costs. *Mr. John Peere Williams*, for the Respondents, said they had paid their costs upon the former trial, and *Mr. Sloane*, for Tily, urged that here they do not go without security for their costs; and Nisi Prius costs were given to Respondents for the last trial, &c., as in L. J., XVI. 731. MS. Min. On 27 Feb. 1701–2, on Appellants' Petition (Annex (*d*)) for a Hearing on the equity reserved, *Sir Thomas Powys* and *Mr. Mulse*, for the Appellants, prayed that the Decree might be reversed, as their clients had a verdict in the trial directed by the House. *Mr. Solicitor* and *Mr. Montagu*, for the Respondents, prayed for a third new trial, which should be conclusive. The Decree was reversed, with 20*l.* costs, afterwards left out, on Appellants Petition (Annex (*g*)). MS. Min. L. J., XVII. 50.]

Annexed:—

(*a*) 3 May. Answer of William Wharton, Esq., and Eunice, his wife. Eunice was the grand niece of Sir John Roberts, who had no children, and had an extraordinary love for her and brought her up. He gave her the bond to keep, and left her 300*l.* besides in his Will. Respondent's alleged disclaimer was declared by all the Judges to be no disclaimer. Ebenezer Broome has contradicted on oath his alleged confession, though Sir Joseph Tily has, by unwarrantable practices, tried to entice and frighten him into a confession. The matter is matter of fact, and five of Respondents' witnesses are dead. Appellants, therefore, ought not to have a new trial. Pray that the Appeal may be dismissed with exemplary costs. *Signed* Wm. Wharton,

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Eunice Wharton. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day,

(*b*) 28 May. Petition of Appellants that Respondents may be ordered to produce at the Hearing the bond and all the other papers and evidences proved in Chancery and mentioned in the Decree. *Signed* by Appellants. L. J., XVI. 710. *Endorsed* as read this day.

(*c*) 2 June. Petition of Respondents that Appellants may be ordered to pay them the full costs of the last trial at Bar, before they proceed to the new trial at law ordered by the House, as Petitioners had paid them their full costs of a former trial before proceeding to the last trial. *Signed* by Respondents. L. J., XVI. 717. *Endorsed* as read this day. [*See* Note to first paper.]

(*d*) 5 Feb. 1701–2. Petition of Appellants. On 27 Oct. last the new trial, which had been ordered by the House, took place before a special jury of Middlesex gentlemen, whose verdict was that the bond had not been by Sir John, though many of Appellants' material witnesses, examined in Chancery, were not admitted to be sworn. Pray for a day for the Hearing of the matters upon the equity reserved. *Signed* by Appellants. L. J., XVII. 26. [*See* Note to first paper.]

(*e*) 16 Feb. Answer of Respondents to preceding. The verdict given was not to the satisfaction of the Court. The suggestion that Appellants' witnesses were not examined is untrue. The latter could not prove forgery, which was the point the House wished tried. One of Respondents' witnesses was absent through illness. Pray for a new trial as to the alleged forgery, which they will accept as final, or that the Decrees appealed against may stand. *Signed* by Respondents. *Endorsed* as brought in this day.

(*f*) 20 Feb. Petition of Respondents for ten days' further time for the Hearing, as Wm. Wharton has been ill and has not had time to instruct Counsel in support of a new trial, and that Chief Justice Holt, before whom both trials at Bar were held, and who was not satisfied with the verdict in the last, should be desired to give the House an account how the matter appeared to him at the trial. *Signed* by Respondents. L. J., XVII. 40. *Endorsed* as read this day.

(*g*) 3 March. Petition of Appellants. In reversing the Decrees complained of, the House has ordered Petitioners 20*l.* for costs, which they apprehend were the costs of the Appeal, but which, they are instructed, will debar them from getting their costs below, which are above 2,000*l.* Pray their Lordships' Order may be explained before being entered on the Journal. *Signed* by Appellants. [Read this day. *Ordered* that the words, with 20*l.* costs, be left out. MS. Min. No entry in L. J.]

1634. April 24. American Plantations (Re-union with the Crown) Bill.—Draft of an Act for reuniting to the Crown the government of several colonies and plantations in America. Whereas, by virtue of several Charters and Letters Patent under the Great Seal of England passed and granted by several of his Majesty's royal predecessors, as also by his present Majesty and the late Queen Mary, of blessed memory, the several colonies, provinces, and plantations, of the Massachusetts Bay, New Hampshire, Rhode Island and Providence

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Plantation, Connecticut in New England, East and West New Jersey, Pennsylvania and the adjacent territories, Maryland, Carolina, and the Bahama or Lucay Islands, in America, have been granted unto several persons, together with the absolute government and authority over his Majesty's subjects in those places, whereby the grantees were not only made proprietors of the soil and lands comprehended within the said places, but also lords and governors thereof, with full power of exercising royal government and other jurisdictions over the inhabitants thereof; and whereas the severing of such power and authority from the Crown and placing the same in the hands of subjects has, by experience, been found prejudicial and repugnant to the trade of this Kingdom and to the welfare of his Majesty's other plantations in America, and to his Majesty's revenue arising from the customs, by reason of the many irregularities committed by the governors of those plantations and by those in authority there under them, by encouraging and countenancing pirates and unlawful traders and otherwise.

Be it therefore enacted, etc., that all and singular the clauses, matters and things contained in any Charters or Letters Patent heretofore passed under the Great Seal of England by any of his Majesty's royal predecessors or by his present Majesty and the said late Queen relating to the government of his Majesty's subjects within the said plantations, colonies, or places, or any of them, or within any other plantation, colony, or place in America, whereby any power or authority is granted to any person or persons from the Crown, be and is hereby declared and enacted to be utterly void and of none effect; and it is hereby further declared and enacted that all such power and authority, privileges, and jurisdictions shall be and are hereby reunited, annexed and vested in his Majesty, his heirs and successors in right of the Crown of England, to all intents and purposes as though no such Charters and Letters Patent had been had or made.

Provided always that nothing herein contained shall be construed to extend any ways to alter, take away, diminish, or abridge the right or title which any person, persons, or bodies politic or corporate have, or lawfully may have or claim, to any land, tenements, or hereditaments, or any other matter or thing, (authority and power of government only excepted), by virtue of the said or any other Charters or Letter Patent, or by virtue of any right or title derived from or under such Charters or Letter Patent by any mean assignments or conveyances or otherwise howsoever.

Provided also that nothing in this Act contained shall be construed to empower his Majesty, his heirs or successors, to govern the said plantations, colonies, or places, or any of them, or the inhabitants thereof, otherwise than according to the laws in force in the said plantations and places respectively, not repugnant to the laws of England and such other laws and constitutions as shall from time to time be made by the general assemblies of the said respective plantations, according to the several and respective privileges at any time heretofore granted to the said several plantations and colonies respectively, by any Charter or Charters or Letters Patent under the Great Seal of England, and according to the usages in his Majesty's other plantations in America. [Read 1ª this day. L. J., XVI. 659. On 3 May Counsel and witnesses, on Mr. Penn's Petition, Annex (*a*), were called in for and against the Bill, *see also* Annex (*b*). *Mr. Dodd* and *Mr. Phipps* were heard for Mr. Penn, against the Bill, and *Mr. Serjeant Darnell* and *Mr. Montagu* for the Bill. *Mr. Montagu:* We have witnesses to make good what we have said. *Mr. Randall*

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[Randolph, *see* Annex (*b*)] was heard. *Counsel for Mr. Penn* oppose Randall's being a witness. Several witnesses were heard. *Capt. Street* heard: I have been at several trials. Neither judge nor jury nor evidence sworn, and the man hanged for murder. *Mr. Peple* reads some laws made in Pennsylvania, of 8*d.* per ton. Then papers ordered. *See* L. J., XVI. 666. On 8 May a Petition of Charles, Lord Baltimore, against the Bill, was read. *Ordered* to be heard, if he be ready. Counsel called in on the Petition of Sir Henry Ashhurst for the colony of Connecticut (Annex (*d*)). *Mr. Phipps*, for Petitioner: They choose their proper officers every year. We have the Charter. This government taking away is an absolute dissolving of the colony. We put it upon them to prove any ill done by us. *Mr. Serjeant Darnell*, for the Bill: They deny all appeals from them. The[y] encourage other trade. *Mr. Montagu*, for the Bill: We think it lies on us only to make good the reasonableness of this Bill. They carry on prohibited trade prejudicial to England. They read [an] Order [of] Council of Trade. *Proposed* to read affidavits. *Opposed* by the other side, the persons being in town. Counsel withdrew. *Proposed* to read what they have for the information of the House, and that the other side may object against them after read. *Proposed* to call in the Counsel and read the evidence as it is proposed. *Agreed* to call in the Counsel. Counsel, called in, were told that the Counsel for the Bill had liberty to read any papers, and those against the Bill had liberty to object against them when read. They read letters, depositions and orders. *Mr. Phipps* heard to what they have read, and objected against it. *Mr. Phipps* heard for Lord Baltimore. He says he was retained but this day. He read only the first part of his Charter. I hope he will not be prevented from hearing, though he is not now ready, and hope he shall be heard another time. Counsel withdrew. *Proposed* to hear Lord Baltimore or any other persons who shall think themselves concerned therein. *Ordered* Monday next for all persons peremptorily to be heard, and none after. On 13 May Counsel heard for L. Baltimore (Annex (*f*)). *Mr. Phipps* heard for L. Baltimore: This will be the ruin of my Lord's family. *Mr. Dodd* heard also. *Mr. Serjeant Darnell* and *Mr. Montagu* heard for the Bill. On 17 May Counsel called in for Mr. Penn (Annex (*a*)). *Mr. Phipps* proposes to read some papers delivered into this House. They read a letter from Mr. Penn, 15 Oct. 1697, [and] a letter, 14 Feb. 1697–98. They read an address to King William. They read several letters. They read a proclamation of Mr. Penn for preventing of pirates. They read an address from the General Assembly of the Country. *Mr. Dodd:* We hope the papers read will fully justify Mr. Penn. The papers read have sufficiently exposed Mr. Randall in what he has said. *Bartholo. Browne* (sworn) and heard. *Arthur Bunyon* and *John Swift* (sworn). *Mr. Serjeant Darnell*, for the Bill: Mr. Penn is to transmit every three years the laws to England; but, says Mr. Penn, let us make these laws annual and we shall put that out of their power. The Quakers not sworn are jurymen, &c. *Mr. Montagu*, for the Bill: This Bill is founded upon the general reason that no power in the plantations should be independent of England. Several persons were heard in this business. *Mr. Basse* heard. *Ordered* that the Bill be read 2ª on Wednesday next, and all the Lords summoned. MS. Min. On 23 May the Bill was read 2ª and committed to C.W.H. *Ordered* that E. Bath be heard on 2 June. *Moved* to hear others, already heard, again. MS. Min. L. J., XVI. 700. The consideration of the Bill in C.W.H. was put off from time to time. On 11 June *Moved* that the House be put into

a Committee on the Bill. *On Question*, Whether it should be on Monday next? Contents 22, Not Contents 34: Tellers, L. Jeffreys, L. Herbert. Then, *On Question*, Whether it should be to-morrow? Contents 33, Proxies 5, Not Contents 27, Proxies 5: Tellers, L. Herbert, L. Jeffreys. The Bill, however, was dropped. MS. Min. L. J., XVI. 659, 717, 722, 726, 736.] 1701. — No. 1634.

Annexed:—

(*a*) 25 April. Petition of William Penn, Junior. The Bill seems to take away the estate of Petitioner's father, now absent in Pennsylvania, purchased from the Crown upon a valuable consideration. Prays to be heard by Counsel against the Bill. *Signed* Wm. Penn, Jr. L. J., XVI. 660. *Endorsed* as read this day.

(*b*) 29 April. List of witnesses summoned to appear for the Bill on 3 May. The names of George Keith, clerk, Edward Sclater, Gent., and Edward Randolph, Esq., appear in addition to those mentioned in L. J., XVI. 665.

(*c*) 3 May. Petition of John, Earl of Bath, on behalf of himself and others, the Lords Proprietors of the province of South Carolina and the Bahama Islands, in America. The Bill has been prosecuted in the absence and surprise of Petitioners, who consist of eight proprietors, four of them Peers, some under age, and others out of town, and tends to disinherit them of their legal rights and properties, held by Letters Patent, by virtue whereof several colonies and plantations have been established to the advantage of trade, at their expense of at least 30,000*l.*, for which Petitioners have as yet received only 800*l.* It will also ruin a great number of planters, unless Carolina and the Bahamas are excepted, or a clause be introduced to secure Petitioners' legal rights and properties, pursuant to the Letters Patent, and the established fundamental constitutions made in the beginning of the plantation by those most honourable persons who were the first grantees and undertakers thereof. Pray to be heard by Counsel on the Bill. *Signed* For myself and in behalf of the other said proprietors, Bathe. L. J., XVI. 666. *Endorsed* as read this day and read again on 23 May.

(*d*) 3 May. Petition of Sir Henry Ashhurst, Baronet, agent for the colony of Connecticut. The Bill will annul the Charter granted to the inhabitants of the colony by Charles II., dated 23 April 1662, whereby the government is granted to the inhabitants; and it is so interwoven with their properties that it cannot be taken away without exposing them to confusion if not utter ruin. The colony lies at a distance from the sea, and the inhabitants have never been accused of any maladministration, piratical or unlawful trade. Their case differs from that of the other plantations. Prays to be heard by Counsel against the Bill, in behalf of the said inhabitants. *Signed* Hen. Ashhurst, L. J., XVI. 666.

(*e*) 6 May. Letter to Mathew Johnson, Esq. [the Clerk of the Parliaments], from the Secretary to the Admiralty enclosing, in obedience to an Order of the House,* four letters from Mr. Quary, with enclosures.† These are all the complaints that are in the Admiralty Office against governors of foreign colonies or plantations in America: and as the papers are

* *See* L. J., XVI. 666.

† A list of these is given in L. J., XVI. 668. *In extenso.*

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originals, it is requested that they may be carefully laid by when the necessary use has been made of them. *Dated* Admiralty Office, 5 May 1701. *Signed* J. Burchett. *Endorsed* as received this day. L. J., XVI. 668. The letters enclosed are as follows:—

(e^1) 6 May. Letter from Mr. Quary, dated from Pennsylvania, 20 October 1699; with an enclosed paper containing an address of the inhabitants of Newcastle to the Governor and Council of Pennsylvania, and other matters. *Marked* (1). Received from the Admiralty this day. The papers are as follows:—

Right Honble,

I am very sensible that I have tired your Lordships with my numerous letters, and do presume on your pardon, since nothing but the necessity of his Majesty's service should have made me so presumptuous. I did promise myself the favour of an answer from your Secretary to those several weighty affairs proposed to your Lordships, especially since the nature of them in order to the King's service did require your Lordships' speedy orders and directions, the want of which has been very prejudicial to his Majesty's interest, and very discouraging to me and all others concerned for his Majesty's service in these parts.

I will not presume to trouble your Lordships with a repetition of the several matters laid before your Lordships in my former letters, but I will only take the freedom to mind your Lordships of a few particulars, which I humbly beg your Lordships' speedy orders and directions in; first, concerning the prohibited goods which were seized by the King's Collector and put into the King's store, from whence they were by force and arms taken by order of this Government. The said goods were condemned by a Decree of the Court of Admiralty, but this Government does still, in contempt of the King's authority and your Lordships' commission, refuse to deliver them.

In the next place, I beg your Lordships' directions in relation to two vessels condemned in the Court of Admiralty, the one a sloop belonging to one Moorehead, a Scotch trader, which imported the aforesaid prohibited goods, but was condemned as not qualified according to law, the master being a Frenchman, and on the trial pretended to a denization, but produced nothing to make it appear; the other a vessel belonging to Hull, which was seized for not having a registry, and was condemned on the Acts of the 7th & 8th and the 9th & 10th of his Majesty's reign. They have both appealed for England—lies before your Lordships. They are recommended home to Mr. Penn by this Government, relying on his great interest at Court to have them cleared, and are pleased to threaten me with ruin on the account of damages to be recovered against me; but as I have acted according to the rules of law and justice, so I hope your Lordships will protect me from the malice of these men. The Marshal of the Admiralty, commissioned by your Lordships, is sued by this Government for executing the powers of the said commission, and expects to be taken on execution and thrown into gaol. I have given your Lordships the full state of that matter, and did humbly beg that some speedy order about him, else we must all expect the same fate. I have given your Lordships an account that with much difficulty and danger I did apprehend eight of the pirates, and committed them to the gaols

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of Pennsylvania and West Jersey, and could have seized them all if this Government would have given me the least assistance, which they refused to do; nor would they so much as issue out a proclamation against them, but on the contrary these pirates have been aided and assisted by the inhabitants, supplied with necessaries and carried from place to place to prevent their being seized by me and those employed by me; and at last with boats they sent them out of this province to Maryland, Rhode Island and other places to the northward. Those pirates committed to gaol are all at liberty, they walk the streets with their pockets full of gold, and are the constant companions of the chief in the Government. They are pleased to threaten my life and all those that were active with me in apprehending of them. They carry their plunder of East India goods publicly in boats from one place to another for a market, and do threaten the lives of the King's Collectors, and with force and arms do rescue their goods from them, as appears by the enclosed depositions and the copy of the Collector's letter to the Honble. the Commissioners of the Customs. I have also here enclosed a list of all the pirates that came in the New York ship. The favour and encouragement which the pirates find in these Governments of Pennsylvania and the Jerseys, has been of a very fatal consequence to several of his Majesty's subjects, who have had their ships and goods taken and carried away out of this port by their own ship's crew; for those men, which perhaps never designed to do an ill thing, yet coming hither and seeing pirates and murderers at liberty, respected and made the companions of the best, and masters of such great sums of money, it encourages them to turn villains too. I gave your Lordships an account that I had in my custody, (which I had taken from two of the pirates), two thousand pieces of eight, and did desire to receive your Lordships' orders about it. The pirates from whom I took the money have, since they are at liberty, demanded it of me, and resolve to bring their action against me for it, being encouraged thereunto by this Government. I know they will recover against me, so that, if I cannot find some way to delay the business till I can hear from your Lordships, I must return them the money; and, though I have disbursed considerable of my own money, in seizing these pirates, I shall not be allowed one penny. They resolve to bring these pirates to a trial, though there is not so much as an Act passed in the Jerseys for the trial of piracy, nor is there in either Government any evidence for the King, as they have managed it. However the force of gold will do anything here.

I will not tire your Lordships further, but most humbly beg your speedy orders and directions in these matters. I have hitherto done all that was possible for me to do in maintaining the honour of your Lordships' commission, but can go no further without your Lordships' support. All these parts of the world do swarm with pirates. If some speedy and effectual course be not taken, the trade of America will be ruined. I presume your Lordships have had a full account of this from his Majesty's several Governments, and therefore I will not give your Lordships any more trouble, but take leave to subscribe myself, Right Honourable your Lordships' most obedient and humble servant, Robt. Quary.

Pennsylvania, this 20th day of October 1699.

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(Enclosure).

To the Honble. William Markham, Esq., Governor, and the Council of the province of Pennsylvania and county annexed.

We, the inhabitants of the town of Newcastle, present that whereas, on or about the latter end of August in 1698 a a company of pirates, to the number of about eighty in a ship, came within the cape of Delaware, went ashore, and plundered the town of Lewis, carrying away what they pleased, and had a design to come up to the town of Newcastle to do the like, but accidentally meeting with a ship in the bay which brought passengers from Holland, whom they forced to furnish them with provisions and other necessaries, otherwise they would have seized her, and likewise since the 20th day of June last the brigantine *Sweepstakes*, belonging to Col. Webb, late Governor of Providence, riding before the town of Newcastle, mounted with six guns, richly loaden, ready the next day to sail for England, was in the night time, by the vessel's company of sailors and others, to the number of thirteen persons, carried away, (four of which vessel's company would not consent to the said pirates, so were set on shore), all which we are very sensible of, and know the greatest encouragement to such attempts has been and is the incapacity we are in to prevent the like, having neither fort, castle, nor breastwork to command any ship or vessel nor militi[a] arms nor ammunition to make use of on any occasion; and it is also manifest unto us that the same unlawful and piratical attempt might be as well put in practice any time of the day (though it be 100 miles up the river) as in the dead of the night, here being no provision to prevent the same, so that both our lives, liberties and estates have hitherto lain open, and still do remain defenceless and void of protection and ever exposed to the will of such merciless wretches, who are a plague to all honest endeavours and continual terror to our peace and tranquillity, which we humbly refer to your considerations, and of right desire that such care may be taken that our lives and estates may not remain in such imminent jeopardy and danger, but that we may be defended as his Majesty's lawful subjects.

Richard Halliwell.	John, *signum*, J. K. Kolvert.
Robert French.	Saul, *signum*, C. P. Barnes.
John Donaldson.	Benja. Swett.
James Oats.	Robert Dyer.
Math. Birch.	Joseph Griffin.
Jas. Claypoole.	Samll. Vans.
Wessll. Alriely.	Rich. Face.
Richd. Reynolds.	Silvester Garland.
Peter Godin.	John Ellis.
Hipo. Leferor.	Chris. Hussey.
Jno. Birk.	George Lamb.
Johanns Sarduin.	Roger Wootton.
James Reade.	

Pennsylvania, &c. At a Council held at Philadelphia, Die Mercurii 9th August 1699.

Present—

Wm. Markham, Esq., Lieut. Governor.	
Samuel Carpenter.	David Lloyd.
Wm. Byles.	Caleb Pussey.
Phin. Pemberton.	

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The Petition annexed, having been read and considered, it is the opinion of this Board that, whatever encouragement pirates may take by our not having forts and castles, &c., we find that bolder attempts than what is in the Petition mentioned have been made within ports of greater fortitude and strength, even in those places, as we are informed, called the King's Chambers, where ships of war are numerous, and this Board does not understand that the forts of Virginia and Maryland, (which are colonies of long standing and inhabited by persons of great estates, and bring vast revenues to the Crown), are much more formidable than the fort of Newcastle has been, and, if it is now decayed, the inhabitants of that place are accountable for it; and, if this country were able to build castles and forts of great strength, yet if the people are not also able and capable, (as they are not), to maintain such posts, it is the opinion of this Board that it may prove more prejudicial to the King's interest and hazarding to his subjects here than if there be such fortresses; and, as for a militia, it is the opinion of this Board that it is a more proper subject for the consideration of a General Assembly, where the Petitioners might have taken their opportunity to propose it in May last, had they and the rest of the inhabitants of Newcastle county done their duty in electing and sending their representatives to assist and advise the Governor at the said Assembly in things pertaining to the King's service and good and safety of the Government, which they obstinately refused. *Signed*, by Order, PAT. ROBINSON, Secy.

A list of the men's names that came passengers from Madagascar in Capt. Shelley:—

Charles Battin.	Thomas Davis.
John Brown, Senr.	John Lehorn.
Jno. Brown, Junr.	Jno. Finlay.
John Broadgate.	Wm. Rowles.
Thomas Clay.	John Martin.
Morgan Parris.	John Demarke.
Richd. Plumley.	Arch. Bohamane.
James Roane.	Tho. Symes.
John Blockley.	Francis Chandler.
Wm. Church.	Jno. Brent.
Josiah Dehone.	

with several others, were put ashore by Shelley, at Keyan, for which he received 5,000 pieces of eight.

James Howe.	Daniel Dowley.
Nicholas Churchell.	Samuel King.
Wm. Wardell.	Thomas Casey, Port Dolphin.
Henry Sowe.	Robert Hickman, St. Mary's.
Darby Mullers.	Joseph Palmer.
James Halstead.	Richd. Greenalle.
Peter Prowke.	Jacob Conckley.

All these went ashore at Cape May, besides several others that he remembers not.

John Eldredge.	Robt. Bradinghame.
Wm. Stanton.	Sym. Arnold.

These went up to Pennsylvania and are taken;

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Robert English, Henry Glover, went on board a brigantine to Bristol;
Christopher Garason, Peter Rewell, went on board Capt. Byrd to London;
John Spence went on board Capt. Yokeley for London;

All these came in Gravenred's sloop to the capes of Virginia, and went on board two brigantines and Capt. Yokeley for England.

Paul Swain.	Edward Buckmaster.
Jno. Allian Evins.	Arthur Vintaine.

All these went with Capt. Shelley in his ship to New York.

The deposition of Jacob Boditt, ship carpenter, aged 33 years, who, being duly sworn on the Holy Evangelist, says:—

That on the 26th day of July instant he was desired and required by Math. Birch, Esq., his Majesty's Collector of Newcastle in the Government of Pennsylvania, to go with him in his boats to seize some pirates and their goods, which he, the said Birch, had advice (as he says) were coming up from Cape May in a boat, and that he, this Deponent, seeing a boat on the other side the bay, and concluding it to be the said pirates, he, this Deponent, together with the said Birch, Harman Peterson and James Hunt went in a boat in pursuit of the said pirates, and clapped them on board, who were one James How, one of the pirates which were committed in the Government of West Jersey, and one other of the said pirates, who owned that he was boatswain of the pirates' ship, and also one James Macomb, one Edward Robinson and one James Minis, John Hewes and Thomas Rogers. This Deponent further says that the King's Collector did require the several persons in the said boat to aid and assist him in seizing the said pirates and their goods and money then in the boat, which they promised at first for to do; but after a little time one of the said pirates and the said Minis demanded of the King's Collector where he would have them go, to which he answered, To the port of Newcastle, which was about a mile off; to which they replied, You shall be damned first; upon which they bore away, and set over again to the eastern shore. Then they took arms, and James How swore, Damn him he would have the blood of the first man that came on board; which sword was handed to him by Mr. Minis; and Mr. Robinson said he could not hinder their tide; and for what money they had on board, it belonged to Mr. Boreland, of Boston, and so charged us; and Mr. Minis, How and the other privateers bade us keep off or they would stave out our brains with stones, How having a drawn sword in his hand. Hereupon we would not search them, but saw them land on the eastern shore and carry great weights, which they said was of money, on their shoulders, and came down to the water's side again with threatening language, and went away with "Your humble servant, Mr. Collector; Good-bye to you." To which truth of the said deposition the said Jacob Boditt, Harman Peterson and James Hunt, being all present in the boat, do take their oaths on the Holy Evangelists.

Jacob Boditt,
James Hunt.
Harman Peterson

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Newcastle, July the 27th, in the Government of Pennsylvania, before me, Richard Halliwell, Justice.

A true copy of the original.

That the within-mentioned persons were all with me in following the said boats, and that it's all truth in my own observation, but I did not see the sword in Mr. Minis his hand, is attested per me under my hand this 27th of July 1699.

MATH. BIRCHE.

A true copy examined by me and compared with the original.

RICHD. HALLIWELL, Justice.

Newcastle, Delaware,
the 17th August 1699.

May it please your Honours,

On the 27th of July I gave account of pirates, goods and names of the persons that run by this town and resisted my seizure, and forcibly landed their goods and moneys on the eastern shore. By Col. Quary's assistance, who is active for his Majesty's interest, I have gone as far as I can to prosecute John Minis, James Macomb and Edward Robinson, which my last described. The Governor and Council, with no small indignation, sent for me to Philadelphia, and, with their best contrivances, endeavoured to elude the power and force of the Acts; but I desired justice, and accordingly held Minis and Macomb and Robinson to bail to answer at the quarter sessions at Newcastle. The issue thereof puts me to a stand, were it not matter of fact, being regularly prepared by an eminent lawyer, Mr. Moore; the grand jury, not one could write his name save the foreman, [a] Scotch merchant sent down from Philadelphia to that end, a[t] once they brought in a Non est inventus, instead of [an] Ignoramus, but quashed the Bill of Indictment for the King, though I swore I was resisted in the due execution of my office, as you will see by the evidence from Col. Quary, upon this Minis, Macomb and Robinson appeared, no Bill being found against them, which if it had, they had been still cleared, there coming from the Governor no recognizance against them in this Court; so that no measures I can take prove effectual amongst non-jurat Quakers and ill affected Scotchmen. The greatest pretence of both is their complete entrance and clearance at Philadelphia, without regard to or value of my survey or inspection, so that I fear the account of this river must decay, this port lost or made unserviceable, while these men flourish, it being the key of this river and so much in their way. But I have given your Honours such large accounts of these things, that this may be tautology. I wait your commands and am

Your obedient servant,
MATH. BIRCHE.

(e^2) 6 May. Letter from Mr. Quary. *Marked* No. 2, with two enclosures brought in this day, as follows:—

Right Honble.,

I received a letter from your Secretary, dated the 4th of August, wherein he was pleased to acquaint me that my several letters [had been] received and laid before your Lordships, and that

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you had made a representation of what your Lordships thought fit to their Excellencies the Lords Justices and the Secretary of State, the result of which in a little time will show. Had I received the favour of Mr. Burchett's letter sooner, it would have prevented my troubling your Lordships so often as I have done.

I do humbly beg the favour to acquaint your Lordships that, as I have hitherto from time to time given a just, true and faithful account of all matters anyways relating to the King's service transacted in this Government, so likewise the same principle of justice and honour does oblige me to give your Lordships this following account:—

That Governor Penn is now arrived here. His coming has made a great change and alteration in all affairs of this Government. He is so far from justifying what has been done in this Government, that he has shown his resentment and abhorrence of all. He has given assurance to all the King's Officers of his favour to them in all matters relating to the King's service, and to make restitution and satisfaction for all injuries and abuses; and that his intentions are real appears by the measures which he has already taken. In the first place he has laid aside the Lieut.-Governor Markham, and Anthony Morris, the Justice that signed the warrant for taking the goods under seizure forcibly out of the King's store. He promises also that the said goods or the value of their appraisement shall be returned into the jurisdiction of the Admiralty. He has ordered the prize goods that were detained by the Lieut.-Governor to be delivered into the Admiralty. He has turned out the sheriff of this county for the escape of one of the pirates, and designs to prosecute him for it. The other pirates are kept in close confinement ever since his arrival here. He has taken up all the old pirates that have been here some years before that great rogue Every's crew, and has forced them to give security to answer whatever shall be laid to their charge in a year's time. What remains still to be done, he promises shall be effectually performed in a little time, of which your Lordships shall have a perfect account. I am sure no consideration whatever shall make me fail in my duty to your Lordships or unjust to my trust. I am further to acquaint your Lordships that Governor Penn did lately call an Assembly on purpose to pass two Acts, the one concerning pirates, the other for the better regulation of trade. A copy of both I have here sent. Your Lordships will find them very different from their former Acts, and with due execution will be of use to the ends designed. I must do Mr. Penn the justice to say that he is very zealous in promoting all things that do anyways concern the King's interest. Thus I have given your Lordships a true and impartial account of the present state of affairs here, and I do most heartily wish that I may not be forced any more to tire your Lordships with repeated complaints, which I am sure is not easy or grateful to me.

I will be very punctual in giving your Lordships constant advice of what pirates shall arrive in these parts, and what else may be worth your notice, nor shall my endeavours be wanting to apprehend such villains and bring them to justice.

Notwithstanding I had no aid or assistance from this Government, but all the discouragement possible, yet I made a shift to seize eight of the pirates. Two of them I brought to the

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gaol of this place, and secured their money in the Lieut.-Governor's hands, but it is now in Governor Penn's. The rest of them I committed to the gaol of West Jersey; but they had time enough to hide their money at Cape May and send off their goods in boats, except what I seized on board a sloop in the bay with two of the pirates. I do assure your Lordships that the seizing these pirates was a great charge to me for men, shallop and boats, besides the hazard of my life, which I hope your Lordships will please to consider, and be a means that I may be reimbursed out of the money in my hands. Had there been a small vessel of force here, or that this Government would have given me any assistance, I could have apprehended with ease all the pirates and their estates, to the value of more than 30,000*l.*, besides the New York ship, Captain Shelley, that brought them all in hither from Madagascar. It troubles me that so brave an occasion should be lost, but it's past, and not to be retrieved. I have enclosed a copy of the said Captain Shelley's letter from Cape May, (one of the capes that makes the bay), to one of his owners, a merchant in New York, by which your Lordships will see the design of the voyage, what goods was on the owners' account, how they bought them, the number of the pirates he brought with him, and how they were disposed of. There is no mention made of their estates, either in money or goods. The account of that was not consistent with Shelley's interest. Your Lordships may see that the capes of this Government is the only place they first make, and that there is care taken to have sloops ready here to meet them, to unload and secure the goods, so that for this reason, besides many others contained in the enclosed memorial, I presume your Lordships will think it for the King's service that a small vessel be ordered for this bay.

I do most humbly desire your Lordships' opinion and directions in this point, whether, after a Decree and Judgment of your Court of Admiralty here on the Acts of Trade and Navigation, your Judge of the Admiralty in England ought to grant an inhibition, for if the Cause should be carried for England, it cannot be tried in the Admiralty there, though, by the Act of the 7th and 8th of his Majesty's reign, all Causes arising from those Acts are made triable in the Courts of Admiralty in the plantations.

I know your Lordships have reserved in your commission to me an appeal to yourselves, but whether your Lordships do design that it shall extend to all Causes whatsoever, as well what is not cognizable in the Admiralty in England as what is, I do most humbly desire to know, it being a case that happened here lately. Amongst other matters, here was a sloop condemned for not being navigated according to law. The party concerned writes home to his friend in London, who applies himself to the Admiralty and gets an inhibition, which was sent over hither. I thought it strange, but was resolved to submit to it, and state the matter home to your Lordships. However, the party, that had been at the charge of sending for't was advised not to make use of the inhibition, but submitted to the Judgment of the Court [of] Admiralty here. However, the same Cause may happen again, and, therefore, [I] am willing to have your Lordships' directions in cases of that nature, which I humbly beg I may have by the first.

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I am obliged to acquaint your Lordships that several lawyers of England have given it under their hands that, by the 7th and 8th of his Majesty's reign, there ought to be juries for the trial of all Causes in the Admiralty Court in the plantations. For my own part, I can never believe that the Parliament, instead of enlarging the powers of the Admiralty, could ever design to alter and change the very being and constitution of the Admiralty by introducing juries. Besides, the very reason why the Parliament enlarged the powers of the Admiralty jurisdiction in these parts, was for that the King could not have justice in the ordinary Courts of the Governments in America, and to have juries in the Admiralty Court could no ways remedy that evil. I do hope that the Parliament will please to explain that dark, contradictory Act, not only in that particular, but in several other points, and that the authority of the Admiralty will be asserted beyond all objections and contradiction.

I am forced to acquaint your Lordships that Mr. Randolph was very much to blame in his nomination of the officers of this Court. One lives more than 100 miles from this place, and the other is [a] perfect sot. I am forced in some cases to be Marshal and Register, else all things must be in confusion. It's true that your Lordships have lodged a power in the Governor of Maryland, in case of vacancy, to supply officers; but he has not power to supersede any of your Lordships' commissions. It makes things very uneasy to me that I have not officers joined with me that are men fit to serve the King. I hope your Lordships will please to consider of't, and lodge a power somewhere that may answer the end proposed. I will not presume to take up more of your Lordships' time, only that you will please to peruse and consider the enclosed memorial, it being a copy of what I have now sent to the Honble. the Commissioners of the Customs. Your Lordships will find some things worth your Lordships' notice, in order to the King's service, which is all the further trouble you shall now receive from, Right Honble. your Lordships' most faithful and obedient servant, Robt. Quary. Philadelphia, the 6th day of March $\frac{1699}{1700}$.

Received and read the 14th June 1700.

(Enclosure 1.)

Some remarks on the trade of these parts, with a true account of several grand abuses in trade, and the proper remedies, humbly presented to the Honble the Commissioners of his Majesty's Customs.

In the first place I am to acquaint your Honours that the Madagascar trade is the only voyage now thought of in these parts of the world for the getting of money. The merchants of New York have gotten estates by that and the Curesaw [Curaçao ?] trade. There are three ships expected every day from Madagascar, belonging to New York. They are ordered to make the capes of this Government where there are sloops now waiting their coming to unload them, and run all the goods. There are several more ships fitting out from New York and other places to the northward. The manner of their voyage is this, they

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carry a suitable cargo to the Madeiras and there they take in a loading of wine and brandy and thence directly to Madagascar, where they meet the pirates and purchase their plunder on very easy terms, as your Honours may see by Capt. Shelley's letter. From thence they come back hither, where they have all the security in the world to land their goods, or secure them on board the sloops that wait their coming, and all shall be secure and done before the man-of-war at New York can hear of their being come. Whereas, if there were a small vessel of force in this bay, I could put a stop to this illegal trade, or forfeit my life, provided the commander be not, (as they generally are who command the King's vessels), above taking advice and directions.

2ndly. I am obliged to acquaint your Honours that I have spent much thought and time to find out the reason of the great quantities of tobacco which for these three or four years last past have been carried to Barbados from this place, Virginia, Maryland and New York. I found that the consumption of that commodity in Barbados is not so much as formerly it used to be, and the quantity shipped thither is almost ten times more. But at last by discoursing [with] abundance of masters of ships, merchants, seamen and others, I found out the intrigue and mystery of it, which is this:—When the tobacco is landed there, they repack it; some into boxes, casks and other convenient stowage, and some in bulk, and so send it to England and Ireland. The conveniency of its package makes it very easy to run, especially since your officers do not expect tobacco on board Barbados ships; and the saving of duty makes it a far better trade than any commodity they can carry from Barbados. There is a great deal also sent from that island, as shipping offers, to the Dutch settlements. A great part of this evil may be prevented by the active diligence of the officers there and elsewhere.

3rdly. The next thing I will offer to your Honours' consideration, is the present state of this province. It grows very populous and the people are generally very laborious and industrious. They have improved tillage to that degree, that they have made bread, flour and beer a drug in all the markets in the West Indies; so that finding that trade overdone, they resolve to go on with the planting of tobacco. In the three upper counties, where never any was planted as yet, the land is very proper for it, and will produce very bright tobacco. The number of the people and their industry will produce vast quantities. They find the necessity of going upon this commodity, for they have no other way of making returns home for England; the want of which makes this place at present very miserable. I am sure there is more than six times the value of goods imported than is exported, which is the reason that the money is carried away. I can assure your Honours that it will be as much for the King's interest to secure the trade of this bay as that of Maryland, and in a little time they will vie with that Government.

4thly. I must acquaint your Honours that there is four times the quantity of tobacco made in this country this last year than ever was made in one year before, all which is engrossed by the Scotch—as almost all other trade here is—they give such extravagant rates that I am sure no person that designs to trade fairly can give; not less than double the price of what

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is given in Maryland, though the tobacco of this place is not near so good. They carry on a constant trade from Curesaw hither: about a month ago came in a vessel from thence belonging to several Scotch merchants which brought in abundance of linen and other dry goods of the manufactory of Holland. They ran them all ashore at a place a little below Newcastle called Bumbo Hook. I had an account of the particular package of all the goods. The business is now publicly known. I do not mention this particular by way of complaint against the Government, or the officers; for there are so many conveniences for the running of goods that it is impossible to prevent it, let the Government make what laws they can and the officers be never so diligent in the execution of them: there is no way to secure the trade of this bay but by a small vessel. I should be very unwilling to propose anything to your Honours that might put the King to charge; but this is a thing of absolute necessity. A very small vessel of four guns and 15 or 20 brisk men would effectually answer the end, as well as a Fourth-rate ship, and, in many respects, much better. I did formerly propose the finding such a vessel and to victual and man, but I am very sensible that the Rt. Hon. the Lords of the Admiralty will not go out of their usual methods, so will not mention it any more. Such a vessel would effectually answer all ends of the securing the trade of this bay, both also as to the importation, and also would prevent the carrying off the tobacco from the lower counties after they have cleared their ships with the Collectors, which is a thing constantly practised.

5thly. I must let your Honours know that there has been a most pernicious trade carried on betwixt this bay and New York, by several vessels for above twelve years together: but now especially by one Graverard, a Dutchman, of New York, the manner is thus:—He does constantly carry goods betwixt this place and New York and generally enters some small quantity of tobacco. When he has despatched, he then takes in his loading, which lays ready for him at some convenient place in the bay, and away he goes. When he comes near Sandy Hook, he puts on shore all the tobacco, except what he has a cocquet for, at a small Dutch village and then goes up to the city and unlades. If it happen that any vessels are ready to sail for Surinam, Curesaw or Newfoundland, then they touch and take in the tobacco which lays ready for them in their way. If no vessel be ready, then the wood-boats take in the tobacco under their wood and carry it up to [New] York. The boats lie in a convenient place, and in the night it is landed and re-packed for the next opportunity of shipping off. So this roguish trade has been and is still carried on to this very day, to the King's great damage. I have had the particular account of this trade from one who sailed several years with this Graverard, it is now no secret to any one. I had likely to have taken this man in the bay; he had got six of the pirates on board his sloop, with their estates, to carry them to the capes of Virginia; he made a shift to get clear of me however. I sent away an express on horseback to the Governors of Virginia and Maryland; he got to Governor Blakistone time to seize him with his sloop and one of the pirates; the rest he had set on board several ships then ready to sail for England. The sloop and loading, with all

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his ill-gotten goods from the pirates, were condemned, which has squeezed the rogue pretty well. But he is upon the old trade again. Were there a vessel here fit for the purpose, I would quickly spoil his trade, but without a vessel it is impossible to be done.

6thly. I am sure it is needless to tell your Honours that there has been abundance of East India goods brought into all the Governments on this main, more especially to the northward of this place, by pirates and other illegal traders, for above three years past. The business of all persons concerned in those goods is to convey them from the port where they were landed to some other place, which is usually done by packing them up, so as they may pass for other goods. There has been great quantities brought from the northward to this place, and may be landed at our public wharf without the least notice taken of it. I am very well assured that there has not been one cask or bale "pers'd" or searched these two years; the doing of which would be of great service, not only to prevent all illegal trade of importation, but would also prevent the shipping off of abundance of cut tobacco and leaf tobacco, pressed into flour and bread casks, which has been much practised here and is continued to this day. I do not design by this to put too great a hardship on the officers. If your Honours think it will be too hard on them, then I am sure you will allow them a man to do the work of it under their inspection and view. I do assure your Honours that the due performance of this will be of great service, and is humbly submitted to your Honours' consideration.

7thly. Your Honours were very much misinformed by Mr. Randolph in placing a Collector at Burlington, in West Jersey; it is a place that lies 20 miles above Philadelphia, where never any vessel loads or unloads; there cannot be so much as a colour or pretence for an officer being there, as your Honours may be informed, by any person who knows the place; but there are several other places in that Government where that officer may do the King good service, as in particular at Cape May. Had he been there this summer he might have seized 20,000*l.* worth of East India goods, which was landed there by the pirates, and from thence dispersed. There is also a place called Cohanzey, and another called Salem where ma[n]y vessels trade from Boston and other Governments to the northward, and much illegal trade carried on, especially the tobacco trade. The removing this officer where he can do service may be worth your Honours' thought.

8thly. The next thing that I am obliged to lay before your Honours is the great abuse in that part of the King's revenue, the penny per pound on the tobacco shipped to the plantations. They have gotten a way to press into a hogshead of tobacco a thousand weight. The tobacco of this province at present will endure such pressing without injury. This hogshead they enter for 400 [4 cwt.], and pay duty for no more. But this [is] not the worst, for the merchants do order a sort of cask to be made, which they call barrels, in which they press betwixt 6 and 700 weight [6 and 7 cwt.] and enter them but for two hundreds [2 cwt.]; and, which is worse, they will frequently crop the chimes of a hogshead and enter them for barrels and pay the King but for 200 weight [2 cwt.] when really there is 8 or 900 weight [8 or 9 cwt.] in the cask. This great mischief and abuse

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proceeds from hence. The Collectors are striving and vieing with one another who shall receive most of the money for the duty of the tobacco; the merchants make their advantage of this and accordingly they manage, for they will [go] to one of them and tell him that, unless he will give them such an encouragement, they will go and enter with the other, who will accept of their terms, and then rather than they shall go, he agrees. And now at last they have brought the Collectors to this pass that they give the merchants certificates for so many hogsheads and barrels of tobacco entered, without mentioning any weight at all. The reason of this proceeded from hence. The officers in Barbados, finding such unreasonable great casks entered here but for 200 weight [2 cwt.] and the biggest hogshead at most but 400 weight [4 cwt], having weighed many of them, and so forced the merchants to a post entry, and therefore to prevent that ill conveniency, they have prevailed with the Collectors here to give them certificates for the several casks, without mentioning any weight at all, so that upon the whole matter, the King is cheated more than two thirds of his duty of all the tobacco that is shipped off to Barbados and the rest of the markets in America. I took the opportunity of this juncture of time that Governor Penn is very zealous and willing to do all things for promoting the King's interest in this Government, and proposed it to him the inserting several useful clauses in the new Act. Amongst the rest, there is one that all tobacco shipped off to the plantations shall be weighed, and entered according to the weight, but this will be to no purpose unless it be put into execution, as I very well know it will not. I do assure your Honours that the good management of this affair will be of great service to the King, not only in relation to the penny per pound duty, but in preventing such great quantities of tobacco from going hence for Barbados, since there is such a pernicious trade carried on with it.

I am obliged also to inform your Honours that the King is very much abused in the payment of this duty, for formerly the p[ie]ce of eight of 17 dwt. did pass in this province but for 6 st[erling], and then the merchant allowed the King 25*l.* per cent. over and above the current money of the country to make it sterling money, but since that time, about two years ago, they have raised the p[ie]ce of eight of 17 dwt. to 7 per 8, which makes it more than 55*l.* per cent. worse than sterling, and yet the Collectors have but 25*l.* per cent. allowed now, so that you will find that the King must lose on all the money received here 30*l.* per cent., which is very considerable.

All which is most humbly submitted to your Honours' consideration by Robt. Quary.

Philadelphia, 6 March 1699–1700.

(Enclosure 2.)

Copy of letter from Capt. Shelley to his owner in New York, as follows:—

Cape,
Sir, 27 May 1699.

I am just now come to anchor at Cape May. Since I left you I went to Cape Bon-Esperance, from thence I went to St. Marie's on Madagascar. There I sold your goods for 17 bales of

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muslin, fine and coarse, and 24 bales of white calicoes, one ton of elephants' teeth, about 2 or 3 cwt. of opium, one bale of painted calicoes, &c., which goods I have on board. Sometime afterwards I took on board 75 passengers, and went to Port Dolphin. There 24 went on shore. I victualled the ship and bought a few negroes and some pigs of tooth and egg. From thence I went to Kyan, and landed 22 passengers. The remainder are now on board, and most of them design for Virginia and the Hore Kills, with Andrew Graverard, who is here with us. I have for their passage, &c., about 12,000 pieces of eight and about 3,000 Lyon dollars. I hear Mr. Godfrey is not here by Mr. Graverard, and that there is no man-of-war at New York. I expect to meet no letter here from you, which, if I do, I shall follow your order; otherwise design for Sandy-hook, where I shall expect your diligence and care for securing the goods, &c. My carpenter, the tailor, and one man more is dead. Thomas Pringle and three men more left me at Madagascar. If you think fit you may acquaint my wife of my arrival, for I have not writ to her. Edward Buckmaster is on board here. Captain Burges arrived at St. Marie's that day I sailed from thence. I have but 23 negroes on board for account of the owners. Each bale of muslin, one with another, I bought for 100 pieces in bale, the calicoes for 120 pieces in bale. I desire you to send by the bearer to me to Cape May, if I should be stopped by contrary winds here; otherwise I shall be very soon at Sandy-hook. Our ship is very foul and leaky. Make what despatch you can, for fear some of our passengers should discover us. I have hindered Mr. Graverard on his voyage to Virginia, to pilot us in here, it being a dangerous place, and very foggy rainy weather, for which I must pay him. I think it needless to enlarge any more at present, but wish all was safe on shore; then doubt not but the voyage would prove to content, which has been the utmost care of, Sir, your most humble servant, GILES SHELLEY.

For Mr. Stephen Delaney, or, in his absence, to Mr. John Barbarie, merchant, in New York.

(e^3) 6 May. Letter from Mr. Quary, of 14 Nov. 1700. *Marked* No. 3, with three enclosures, received from the Admiralty this day. The papers are as follows:—

Philadelphia, 14th Novbr. 1700.

Right Honble.,

I am favoured with a letter from your Secretary of the 28th of June, wherein he is pleased to acquaint me that mine of the 5th of March was laid before your Lordships [and that you] were pleased so far as to honour me as to take notice of my small services, and to promise that I shall be reimbursed the charges that I have been at in seizing the pirates. I have received also Sir Charles Hedges's opinion in answer to those queries which I took the freedom to state to your Lordships. I could wish Sir Charles had been more particular in his answer. The reason why I gave your Lordships that trouble was this: About two years since there was a vessel condemned here on the Acts of Trade and Navigation, belonging to some Scotch merchants.

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They appealed to the High Court of Admiralty, and brought an inhibition under the Seal of the Admiralty. As soon as they produced it to me, I ordered that a copy of the records should be drawn and sent home. They thought that this would have frightened and awed me into a compliance with them. When they saw it would not, they came and told me they would not prosecute the Appeal, but submit to the Decree of this Court, which accordingly they did. I very well know that these Scotch merchants were full of prejudice against the Admiralty jurisdiction, and had threatened what a great interest they could make in England against it, which made me conclude that their declining the Appeal proceeded from their having taken wrong steps, and, therefore, knowing my own weakness and inability, I thought it convenient to send for England and have the advice of learned men, both of the Civil and Common Law, in several matters which do occur in your Lordships' Court here, which accordingly I did; and, amongst many other things, they have given it under their hands that the Parliament have invested the Admiralty Court in the plantations with more ample power than they have given to the Court in England; for, by the Act of the 7th and 8th, &c., all Causes arising from the Acts of Trade, &c., particularly by that Act, shall be tried in the Court of Admiralty held in the respective plantations, (thereby made local), but in England in Westminster Hall; that they conceive no appeal lies on those occasions to the High Court of Admiralty in England, because that Court cannot take cognizance of them; but, as soon as the Admiralty proceeded therein upon motion, a prohibition would be granted, and thereby the Admiralty stripped of her jurisdiction, and the matter brought *ad aliud examen*, &c. I have not so much vanity as to pretend to judge of this opinion. Perhaps they are mistaken, and that Sir Charles Hedges is in the right. However, I thought it was a sufficient warrant for me to state the matter to your Lordships, and to expect your directions, though by so doing I find I have been so unfortunate as to disoblige Sir Charles, which will appear to your Lordships by what I am now to acquaint you. Upwards of a year and a half ago here was a ship seized by the King's Officer, belonging to Hull, one John Lumby, master. The libel and information was grounded on the 7th, 8th, 9th, and 10th of his Majesty's reign, as not qualified, having no register. A Court of Admiralty was appointed on the petition of the master, where he appeared with his Counsel, and all the Quaker magistrates of this place, not out of kindness to the man or his Cause, but [through] prejudice to the jurisdiction of the Admiralty. The issue lay in a narrow compass. The King's Advocate insisted on the Statute, which positively requires an attested copy of the registry. He did also make it appear that it was the true intent and meaning of the Parliament, which he instanced in the case of those many ships from Maryland and Virginia, of so great a value to the King, which, having omitted to register, as the law requires, though in all respects duly qualified, (having no other remedy), were forced to petition the Parliament for redress; who were pleased to make another Act in favour of them, not by altering any of their former Acts, but adding 9 months more to the time; and they were pleased to make this the reason, that for the future there should be no further pretence; and, therefore, that now the 9 months are

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long since expired, no pretence or excuse ought to be allowed or admitted. This was the substance of what he said. On the other side the Counsel for the master did urge very fully the equity of his Cause. He urged that the ship was built at Hull, that her owners were English, and that she was navigated according to law, and so had answered the end of the law: to which the King's Advocate replied that the former Acts of Trade and Navigation had sufficiently secured all those points, but that notwithstanding all that, yet the Parliament thought fit to require this further qualification and security, that all ships should be registered in such manner and form, and that the master of every ship should have such a register for the security of her navigation, under the penalty of being deemed and reputed as a foreign bottom, and to be condemned and forfeited as such. That the Parliament had given notice, two years before the Act took place, that no person should plead ignorance or be surprised. After a full hearing what could be said on both sides, and a due consideration of the law and the obligation of my oath, I concluded myself under a necessity of condemning the ship, or of being perjured, having sworn to judge according to law; but, however, that your Lordships may see how great a regard I had to the equity of the Cause, I did [? not] immediately order the sale of the ship and goods, and dispose of it as the law directs, (as I might and ought to have done), but ordered the goods into the King's store, and left the ship to the master's care, that the merchant or owner might try if they could get any redress at home. In order to which the merchant went directly for England, and, 8 or 9 months after, he writ several letters to his friends here, which he showed me, wherein he tells that the merchants and owners had done all they could, but had no hopes of recovering the ship and goods. However, I continued the goods above a year, and then, upon the Marshal's return that a great deal of the goods was rotten, having been damaged on board the ship, I did order the goods to be viewed and appraised by three substantial honest men, and to be disposed of as the law directed, one third to his Majesty, one third to the Governor and one third to the prosecutor. The master desired me that I would defer the sale of the ship till he could hear further from his owners, which I accordingly did, and have retarded it for above a year and a half. All the return I have for this kindness is to be abused and railed at. About 4 months ago [? the master] came to me, and desired me to stand his friend in assisting him, that he might purchase his ship again on easy terms, which I promised him to do, and went to the Governor, who was pleased to say that he should have his third. I likewise prevailed with the prosecutor, who promised to let him have his share for a very small matter. I added further that [I] would write on his behalf to the Honble. the Commissioners of the Customs who, I did hope, would find a way to get the King's part remitted, and then he might have had his ship again, with all the officer's fees, for less than 80*l*., though worth a great deal more. He seemed very glad and thankful, and had fixed the time for perfecting the sale, and had secured a freight home; but, as soon as the Quakers heard of it, they told him that he would be ruined for ever if he bought the ship, and that all the damage would light on him; and at last they prevailed on him, he being a very weak, silly man, and his

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chief lawyer being a Quaker, by assuring him that they would find a way to get his ship for him without any charge; so here was an end of his agreement. For had he got his ship on these easy terms and gone home, they had lost their end, which was to raise all the clamour they could against the Admiralty, and not to be seen in it themselves but to make use of other people; which they have so effectually done that, after more than a year and a half being past since the trial and condemnation of the ship, there is an inhibition granted from the High Court of Admiralty, with extraordinary powers of the first impression in America, empowering these very Scotchmen before mentioned to execute the same. They hitherto secrete the inhibitions from me, to obstruct my making my application to your Lordships by this opportunity. I cannot believe Sir Charles Hedges could know the circumstances of these men. If he had, I am sure he would not have appointed them commissioners; but I hope your Lordships will please from thence to observe that all this clamour and intrigue is carried on in masquerade by the inveterate enemies of the Admiralty jurisdiction. I am no stranger to the measures they have taken, the end they propose and the interest they have made use of, and will quickly find a way to unmask them. I do humbly beg of your Lordships' patience to lay before you the effect which this extraordinary inhibition or commission has already produced, and what the consequence of it will be. They have already raised all the reflections and affronts they could devise on the King's Advocate and myself, giving out that we were sent for to England and there to be fined to our ruin; that whatever we have or shall do will be made void at home. But all this noise made no impression on me, nor did I take any notice of it till I found they had prevailed on Governor Penn so far as to make him violate that solemn promise which he was pleased to give me and so often confirmed, viz., that he would not in the least invade the rights and jurisdiction of the Admiralty, but that I should exercise all the powers of your Lordships' commission, though he thought there was some things that bore hard on him; however, he would content himself with a representation of it to your Lordships, and expect your opinion and directions in the matter. I gave your Lordships an account of this in my former, but now his friends have so far prevailed on him that, without any regard to this province, he has lately granted commissions to all the sheriffs of the counties, (a copy of which, with the Decree, I have here enclosed to your Lordships), by which you will see that in effect he has broke into the jurisdiction of the Admiralty and invaded almost all its powers. I have discoursed [with] him about it, who is pleased to assert it as his right, and that the Admiralty has no jurisdiction in the river within the body of the county; so that consequently, if I must not execute the powers of your Lordships' commission within the body of the county, then I must go out of the capes, which is out of this province and that of West Jersey, and beyond my commission. I am empowered to act within these provinces, but have no power to act without them. I was extremely surprised to hear this doctrine from Governor Penn after so many promises to the contrary, and after I had done him the justice or [? of] representing all matters home to your Lordships as much to his advantage as I could. All the discourse of the

country is that the Admiralty Court is taken from this province, and that Governor Penn has appointed officers to execute the powers of that Court. For my own part, I have charity enough to believe that Governor Penn would never have taken these measures were he not under a necessity of complying with his Quaker friends, especially at this juncture, when they are sitting in Assembly, and he expects considerable supplies from them. I know the temper of these men so very well that I am sure they will not part with their money unless they can govern as they please, so that Governor Penn is reduced to this great strait, if he complies with his friends here then he must violate all his promises which he has made at home for the supporting of the King's authority in his Government, and if he does not comply with them, then he must not expect money from them. I do heartily wish that silence in this case were consistent with my duty and the trust which your Lordships have reposed in me. I am sure it would be more satisfactory than to complain. I have a great regard for Mr. Penn, and have not been wanting in my due respects to him; but I cannot, without betraying your Lordships, omit the representation of these matters. I will beg leave farther to remind your Lordships that there ought to be no time lost in re-establishing the King's authority and your Lordships' power in this Government. The proper methods for effecting it is humbly submitted to your Lordships' wisdom, and the effects these measures will have in the neighbouring colonies to the discouragement of the Admiralty, (which is so much relied on to secure the King's interest), is recommended to your Lordships' thoughts. I have nothing farther to add to your Lordships in relation to the inhibition but to desire that you will please to order that the King's Advocate and Counsel may attend this cause to defend his Majesty's interest and stop the reversal of this Decree. I could wish that Sir Charles Hedges had been pleased to have heard what I could say before he had granted such an extraordinary inhibition. I am very well satisfied that I have decreed according to law, and, if I have made any wrong step, it is the law that has misguided me. I hope Sir Charles will be pleased for the future to give such rules and directions as may make us safe in what we do, or send over from England a person that is well read in the law and in all respects duly qualified for the discharge of this difficult place. His Excellency Governor Nicholson very well knew that I did not pretend to the law, which was the argument that I made use of to excuse my executing the powers of your Lordships' commission. However, he was not pleased to allow of any excuse, but laid his commands on me, telling me that my reputation and zeal for the King's service would supply all my other deficiencies. I could not refuse anything to a person for whom I have so great a love and honour, for I am sure that he designed the King's service, without involving me or the Advocate into any ill conveniency, and I do not question but that your Lordships will do us justice and not suffer the malicious underhand contrivances of our enemies to take place. I have no favour to ask of them, being fully satisfied in my own conscience that I have, in all matters that ever came before me, judged and decreed betwixt the King and his subjects according to law and justice. I am sure no man in America ever took more pains to serve his Majesty than I have, and perhaps with as

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good success, especially considering what a sort of perverse people I have had to struggle with. I should not have found the effects of their malice, could they have frightened or wheedled me from my duty, and, whenever I quit the King's service, I shall have their favour as much as any man if I valued it. Your Secretary was pleased to acquaint me that your Lordships had under your consideration the sending a small vessel for the security of this place in respect of trade and pirates. There never was more occasion than now, for all the tobacco of this province is engrossed by the Scotch merchants, and at such rates that I am sure none that designs a fair trade can afford to give it, and the Curesaw trade is carried on more than ever. In my former I gave your Lordships an account that I had seized and condemned a vessel belonging to the Scotch, but all the goods were safely landed first. I expect that they will bring an inhibition on that Decree, though the master of the vessel was an evidence against her; they tell me plainly that they do not value what is done in your Lordships' Court of Admiralty here, for they can have it all reversed in England. About ten days since arrived another vessel from Curesaw, with abundance of iron, claret wine and all other sorts of lining manufactory in so great a quantity that it is sold here as cheap as they can be bought in England, which is a very great discouragement to all fair traders, nor is it possible to prevent this evil without a small vessel, as I have formerly demonstrated to your Lordships. I am now in a hot pursuit after a discovery of this business, but do find all persons so very cold and unwilling to concern themselves, that I must do all myself, or nothing will be effected. I hope your Lordships will pardon me, if I say that hitherto I have had little encouragement, having served his Majesty these three years at my own cost and charge. I am sure it has cost me a great deal of time, money, labour and hazard, which I am confident your Lordships will please to consider in due time. Indulge me yet further to acquaint your Lordships that, since the account of those inhibitions, the magistrate[s] interfere in most of the maritime affair[s] that happen here, particularly lately between a master of a Bristol ship and his seamen in relation to some disturbances on board at sea and in the harbour, and committed one of his men to the gaol, to remain there till their quarter sessions, and when application was made to me by his seaman, the master was backed by the justices and encouraged to slight the Admiralty power, with all assuring him that they would take measures to clip its wings by complaints home. I have stayed till the captain of the ship tells me that he will certainly sail in three days, expecting to be served with the inhibition or what else they have, but am still in the dark. Yesterday I had a letter from Governor Penn, who is now at Newcastle with his Assembly, where the Scotch Commissioners live. He is pleased to write that they will not serve with the inhibition till the ship is ready to sail. I beseech your Lordships to consider how barbarously they use me. However, I resolved in the morning to ride down to them, which is 40 miles, that, if it be possible, I may have a sight of the inhibition, that so I may take care to pay due obedience to the High Court of Admiralty in all things, which shall always be the endeavours of, Right Honble, your Lordships' most obedient humble servant, Robt. Quary.

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(Enclosure 1.)

Copy of a letter from Mr. Moore to the Lords of the Admiralty, as follows:—

Philadelphia, Nov. 9, 1700.

My Lords,

In March last I gave your Lordships the trouble of a few lines which I humbly wait your Lordships' answer to, and should not have attempted a second, but upon this extraordinary occasion, viz., the rumour of some inhibitions granted from the High Court of Admiralty in order to vacate a sentence given, in May 1699, against the ship *Providence*, John Lumby, master, in this Court of Admiralty, as a foreign bottom. The Honble. Col. Quary has so fully stated that case and the consequences to your Lordships, that I shall only beg leave for my own vindication to say that I acted therein with a sincere zeal for the King's service, and what I believed agreeable to law and my duty, and hope your Lordships will give grains for my defects, which the proceedings will grossly discover. I submissively leave to your Lordships' wisdom and consideration that, if the High Court of Admiralty should inspect these proceedings, and the stress lie on the form or method thereof, 'tis past a question they will be nulled. How can it be expected that a warped, biassed, and ignorant Register, (I call him so, for soon after, in compliment to the enemies of the Admiralty, he spurned and threw up his commission), would methodize his records fit for the view and nice scrutiny of that most learned Court? So that, granting the ship unduly qualified, yet the absurdities in the entries will unavoidably destroy the Decree. I shall not pretend to contest the powers of that Supreme Court in their granting inhibitions to the plantations, or how just or fit at this juncture, but shall obediently wait the result and submit to the consequences, yet am not out of hopes that your Lordships, (considering my three years' service without salary or profit), will interpose and protect me and your other servants from the insolencies and merciless designs of our enemies, made such merely by attending and asserting your Lordships' Courts, and aiming to secure his Majesty's interest, in confidence whereof, I remain, My Lords, your Lordships' most obedient and humble servant, J. Moore.

To the Lords Commissioners of the Admiralty.

(Enclosure 2.)

Copy of Mr. Penn's commission for Mr. Farmer to be Water Bailiff of Philadelphia, as follows:—

(L.S.) William Penn, absolute Proprietary-in-Chief of the province of Pennsylvania and counties annexed.

To Thomas Farmer, High Sheriff of the county of Philadelphia, Greeting,

Reposing confidence in thy vigilance and care, I do hereby constitute, appoint and ordain thee, the said Thomas Farmer, Water Bailiff for this town and county of Philadelphia, and accordingly do hereby impower thee to execute all writs, attachments, summons, replevins and all other process[es] whatsoever

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and to thee directed upon any person or ship or goods whatsoever, from any Court of Record within this county upon the rivers and waters of Delaware, so far up and down the said river as the said county of Philadelphia, or, in case of pursuit, so far as the county of Bucks, upwards and the county of Chester downwards do extend along the shores thereof. And generally to do, act and perform all other matters and things whatsoever upon the said river within the limits aforesaid that to the said office of Water [Bailiff] do in any wise belong. Granting unto thee to take fees for the same, as in thy office of sheriff for the said county. Given under my hand and seal, at Philadelphia, the 20th day of the 4th mo. in the 12th year of the reign of William III. of England, &c., King, and in the 20th year of my Government. Annoque Domini 1700.

Wm. Penn.

(Enclosure 3.)

Copy of the Petition of John Lundy [Lumby], with the Decree of the Admiralty thereon, as follows :—

To the Honble. Robert Quary, Esq., Judge of his Majesty's Court of Admiralty, in the province of Pennsylvania.

The humble Petition of John Lumby, of Hull, in Old England.

Sheweth,

That whereas your Petitioner's ship, called the *Providence*, of Stockwith, lies under seizure by the officer of Newcastle, whereby your Petitioner is wholly hindered from prosecuting his voyage for Petaxent, in Maryland, whither your Petitioner was bound with said ship, by charter party from England, but by stress of weather and want of provisions, &c., in said voyage was forced in here, and by means of said seizure is here detained and kept, to the ruin of said voyage.

Therefore, may it please your Honour to take the said premises into serious consideration, and grant your Petitioner a speedy trial of said ship, at Philadelphia, (that the said voyage may be performed), or otherwise relieve your Petitioner, as in your wisdom and wonted justice your Honour shall deem fit.

And your Petitioner shall ever pray.

Pennsylvania } Anno Regni Guliel., nunc Angliæ, &c., undec.
Curiâ Admiral. }

To the Honble. Col. Robert Quary, sole Judge of his Majesty's Court of Admiralty for the provinces of Pennsylvania and West New Jersey, &c.

Be it remembered that John Moore, Esq., his Majesty's Advocate in the said Court of Admiralty of the said provinces, (who, as well on the behalf of our Sovereign Lord the King and the Honble. the Governor of this province as himself, in this case prosecutes), gave this Court to understand and be informed that whereas, by an Act of Parliament, made in the 7th and 8th years of the reign of his present Majesty King William, entituled An Act for preventing frauds and regulating abuses in the plantation trade it is, amongst other things therein contained, [and] enacted that, from and after the 25th day of March 1698, no ship or vessel whatsoever shall be deemed or pass as a ship of the built [build]

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of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of his Majesty's plantations in America, so as to be qualified to trade to, from or in any of the said plantations, until the person or persons, claiming property in such ship or vessel, shall register the same as follows, that is to say, if the ship at such time of register do belong to any port of England, Ireland Wales or the town of Berwick-upon-Tweed, then proof shall be made upon oath of one or more of the owners of such ship or vessel, before the Collector and Comptroller of his Majesty's Customs in such port; or if, at the time of such register, the ship belong to any of his Majesty's plantations in America, or to the islands of Guernsey or Jersey, then the like proof to be made before the Governor, together with the principal Officer of his Majesty's Revenue, residing on such plantation or island, which oath, the particular form whereof is inserted in the said Act, being attested by the Governor or Custom House Officer, respectively, who administered the same, under their hands and seals, shall, after having been registered by them, be delivered to the master of the ship for the security of her navigation, a duplicate of which register shall be immediately transmitted to the Commissioners of his Majesty's Customs, in the port of London, in order to be entered into a general register to be there kept for this purpose, with penalty upon any ship or vessel trading to, from or in any of his Majesty's plantations in America, after the said 25th day of March, and not having made proof of her built [build] and property as is here directed, that she shall be liable, and she is hereby made liable, to such prosecution and forfeiture as any foreign ship, (except prizes condemned in the High Court of Admiralty), would for trading to these plantations by this law be liable to, (as in and by the said Act of Parliament, amongst other things therein contained, and several other Acts therein recited; to all which his Majesty's said Advocate refers to), relation being thereunto had, may more fully and at large appear. And whereas by another Act of Parliament made in the 9th and 10th years of his now Majesty's reign, entituled An Act for enlarging the time for registering of ships, pursuant to an Act for preventing of frauds and regulating abuses in the plantation trade, it is therein enacted that all ships and vessels of the built [build] of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of his Majesty's plantations in America, being English property, shall have nine months longer time from the said 25th day of March 1698, for registering such ships, and all such ships or vessels, being registered within the said nine months, shall have and enjoy all such benefit and advantage of the said Act as they might or could have had in case they had been registered before the said 25th day of March 1698, anything in the said Act contained, or any proceedings thereupon to the contrary in anywise notwithstanding, (as by the said Act likewise may appear at large). And his Majesty's said Advocate in fact said that Jno. Lumby, mariner, the several Acts aforesaid not regarding, since the 25th day of December last past, (the ultimate time given by the said Act), and before the exhibition hereof, did import into this river Delaware, within the jurisdiction of this Court, by way of merchandizing, sundry wares, goods and merchandizes in the ship *Providence* from Europe, whereof he, the said Lumby, came master, before the time that such person or persons claiming property therein had

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made any registry of her built [build] and property, the said master not having or producing any attested registry for the security of her navigation, as by the Act is required. Wherefore, his Majesty's said Advocate, (who as well, &c.), craves the advice of this Honble. Court in the premises, with due process and judgment of this Court, and that said ship, the *Providence*, with all the goods, wares and merchandizes therein so imported, with all her guns, tackle, furniture, ammunition and appurtenances may be decreed and adjudged to be forfeited, one-third part to our Sovereign Lord the King, one third part to the Governor of this province, and that the said Advocate may have the other third part, who now sues for the same, according to the form of the Statutes, &c. May the 10th, delivered a copy to Jno. Lumby.

J. Moore, Advocate, Dom̃. Regis.

Pennsylvania } At a Court of Admiralty, held at Philadelphia, in the 12th and 13th days of May, Anno Dom. 1699, (at the Petition of John Lumby), before the Honble. Col. Robert Quary, Esq., sole Judge of the the said Court, Anno Regni Guliel., nunc Angliæ, &c., undecimo.

The said John Moore, Esq., his Majesty's Advocate as aforesaid, came into Court, and offered himself against the said Jno. Lumby, master of the said ship *Providence*, who also personally appeared; Whereupon, the said libel being read, the said John Lumby craves a jury; which being overruled by the Court, and the matter brought to an issue. Jno. Lumby denies the matter of fact alleged against him, as in the said libel is expressed, &c. *Henry Robinson* (being sworn in Court) and asked, if he did help to build the said ship *Providence*, answered that he did help to build her from the beginning to the end, and that he had sailed in her all the voyages she has gone since her being built, and that she was built at Stockworth, in Nottinghamshire, and that he knows all the owners. The said *John Lumby*, being sworn, says that he took his oath at the Custom House, in Hull, that the said ship was registered, and being asked by the Honble. Judge whether he knew what the registry was, said that he knew it, and that it was a written paper with two seals, and that it was mislaid or otherwise lost. *Charles Groves*, who came mate of the said ship, being sworn and asked, if ever he knew of any registry that the said John Lumby had for the said ship, says that he never knew of any, and being asked, if ever he heard of any such register that the said ship had, says he never did. Whereupon, (the matter being largely debated), and the said John Lumby alleging that he is not, (by the Acts of Parliament in that libel recited), obliged to produce the said registry here, and he producing no evidence to prove any such registry, it is therefore considered that the said ship *Providence*, (for want of her said registry), be deemed as a foreign ship, and it is decreed and adjudged that the said ship *Providence*, with the goods, wares and merchandize therein, so imported, with all her guns, tackle, furniture and appurtenances whatsoever, be forfeited, one-third part to our Sovereign Lord the King, one-third part to the Governor of this province, and the other third part to the said Advocate who sued for the same,

according to the form of the Statutes, &c.—A true copy of the proceedings taken out of the book. 1701.

per J. Jones, Registr. No. 1634.

(e^4) Letter from Mr. Quary to the Admiralty, dated 14 Nov. 1700, with the copy of Mr. Penn's commission for Mr. Farmer to be Water Bailiff of Philadelphia, as follows:—

Right Honble.,

His Excellency Governor Nicholson was here lately in his way to New York and return. He had the misfortune to be very sick all the time he was there, but was so well recovered that he returned to his Government by land. I gave him the state of affairs here in relation to the King's interest, which he ordered me to represent to your Lordships in a more particular manner than what I have done in my general letter, which I have inclosed. I have paid Governor Penn all the respect and service that I was capable of, and have represented all things to your Lordships and the other great Boards as much to his advantage as possible I could, concluding that he had been sincere in his promises of maintaining the powers of your Lordships' commission. But I find that all was but pretence to serve an end, which he concludes is now fully answered, having made all things easy and smooth at home, and, now that he has gained that point, he is pleased to run counter to all, as will appear to your Lordships by his late commission, a copy whereof I have inclosed. I very well know that he would not have appeared so barefaced had not his Quaker friends forced him to it by keeping their purse strings close, and showing him that without removing the Admiralty there was no hopes of money. They found by experience that there was no forcing me by storm from my post, and, therefore, ever since Mr. Penn's coming hither, they have employed all their malice, interest and cunning to undermine me, which I hope will have as little success. I will not abuse your Lordships with the least untruth, but can assure your Honours that all this intrigue about the inhibition has been managed by Mr. Penn. It was he that contrived to put in those two Scotch merchants for commissioners that he knew were prejudiced to the Admiralty and me, and has taken care to be the principal [commissioner] himself. He has promised the Quakers to return his share, and will be no loser by it; and yet, at the same time that he is thus undermining, he treats me with all the show of friendship and kindness. I am not courtier enough to pay him in his own coin, but have dealt aboveboard with him, and let him see that I was no stranger to his endeavours of undermining the jurisdiction of the Admiralty, both by private ways and by his public commissions, when I thought myself obliged to represent to the Right Honourable the Lords of the Admiralty that, as I would not go a tittle beyond the powers of my commission, so I would not part with a hair's breadth of it without your Lordships' orders and directions. I need not tell your Lordships how nice and difficult a task I have and labour under. The whole Government are spies, not only on my public actions, but on my private concerns, to try what they can pick out and improve for complaint and clamour. But, God be thanked, I have no favour or kindness to ask of them; for, as I have hitherto acted according to law and justice, so I do resolve never to part from

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that rule; but, however, it is uneasy to live always in a state of war. I am very willing to continue in your Lordships' service till I can see the powers of the Admiralty re-established in this Government; and then I hope your Lordships will please to fix on a person better qualified, which will very much oblige and gratify the people of this Government, for they find that they cannot mould me for their purpose. Though they have tried all ways and means, they find that I will be just, and am thoroughly acquainted with all the tricks and indirect ways of trade, which I will never encourage as long as I live. I do most humbly beg of your Lordships that you will please to discourse Sir Charles Hedges and desire him that he will please to propose some method or rules to prevent all misunderstanding betwixt the High Court of Admiralty and your Lordships' Courts in the plantations, that so all things may be carried on smoothly, for the least difference is attended with a very ill consequence. I will not presume to take up more of your Lordships' time, but do most humbly beg your Lordships' pardon for the freedom and the honour of a few lines in answer, which favour shall be ever acknowledged by, Right Honble. your Lordships' most humble and obedient servant, Robt. Quary.

Philadelphia, the 14th 9ber 1700.

(Enclosure.)

Copy of Governor Penn's commission to Thomas Farmer, to be Water Bailiff (Same as (e^4) Enclosure 2, set out above).

(f) 8 May. Petition of Charles, Lord Baltimore, Baron of Baltimore, in the Kingdom of Ireland. Charles I., in 1632, granted by Letters Patent to Petitioner's father, Cecil, Lord Baltimore, the province of Maryland, which the latter and his relations caused to be settled, spending above 50,000*l.* therein. The revenue of the English Crown is much increased thereby, the customs of tobacco amounting to near 60,000*l.* a year, without any expense to the Crown. The Bill would ruin Petitioner, who has not been guilty of any of the matters alleged in the Bill, or done anything to forfeit his ancient inheritance. Prays to be heard by Counsel against it. *Signed* C. Baltemore. L. J., XVI. 670. *Endorsed* as read this day. *Ordered* to be heard this day, if he be ready. MS. Min.

(g) 8 May. Petition of William Penn, junior, eldest son of William Penn, Esq., senior, now in Pennsylvania. Petitioner is informed that several complaints from the Admiralty and other Offices are now before their Lordships against his absent father. Prays leave to take copies thereof and to be heard by Counsel, if there appears anything in the papers that seems prejudicial to his father. *Signed* Wm. Penn, Jr. L. J., XVI. 670. *Endorsed* as read this day.

(h) 8 May. Three papers delivered this day by Mr. Savage from the Commissioners of Customs. L. J., XVI. 671. The papers are as follows:—

(h^1) 8 May. Letter from Col. Quary to the Commissioners of the Customs, as follows:—

Philadelphia, June 6th 1699.

May it please your Honours,

Since my writing the enclosed I have, by the assistance of Col. Bass, Governor of the Jerseys, apprehended 4 more of the

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pirates at Cape May, and might with ease have secured all the rest of them and the ships too, had the Government given me the least aid or assistance; but they would not, or so much as issue out a proclamation; but, on the contrary, the people of this Government have entertained the pirates, conveyed them from place to place, furnished them with provisions and liquors, given them intelligence and sheltered them from justice; and now the greatest part of them are conveyed away in boats to Rhode Island. All the persons that I have employed in searching for and apprehending these pirates are abused and affronted and called enemies to the country for disturbing and hindering honest men, (as they are pleased to call the pirates), from bringing their money and settling amongst them. Your Honours were pleased to send to the Government a copy of an Act, formerly passed in Jamaica, relating to pirates and privateers, and all aiders and abettors of them, which was recommended to be passed into an Act here. It lay asleep till about 3 weeks ago, when they thought Mr. Penn might make good use of it in England to abuse your Honours with it, (if it were possible); but I am sure when your Honours consider the Act, (a copy of which is enclosed), you will find it all of a piece with their former Act, and to be a true representation of themselves, a fair show outwardly, but nothing but fraud and deceit within. And now, with your Honours' favour, I will make some remarks upon this meritorious Act of theirs. 1st, the Jamaica Act has made it felony for any of the King's subjects, in a hostile manner, to serve under any foreign prince, without licence, against any prince in amity; but this Act has made no such provision, though all the roguery that has been committed by those sort of men in the West Indies has been under the colour of foreign commissions. 2ndly, the Jamaica Act makes all such to be accessories and confederates that shall knowingly entertain, harbour, conceal, trade or hold correspondence with any person or persons that shall be deemed or adjudged to be privateers or pirates; but the Act of this Government has taken care to leave out the word, deemed, so that now, by their construction of the Act, the principals must be first convict and adjudged before there can be any accessories, and that this is their true intent and meaning appears upon my complaining against a great number of men that have been confederates with these pirates; all the answer that I could have is that they do not know them to be pirates till convict and adjudged such, so that all that so necessary a clause is by their Act made ineffectual. 3rdly, by the Jamaica Act all commission officers are impowered, upon notice that any privateers, pirates, &c., are in any place, to raise and levy such a number of well armed men as they shall think needful for the apprehending, &c.; but the Act of this Government impowers the justices, sheriffs and constables to call to their assistance such a number of men as they shall think needful for the apprehending, &c., but not one word of armed men or arms. If the Quaker justice and constable, with those of their friends whom they call to their assistance, can preach the pirates into a submission to the King's authority, 'tis well; if not, they may go about their business. As for commission officers, they did very well to leave them out of their Act, since there is neither militia or one commission officer in the Government. 4thly, by the

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Jamaica Act, in case the pirates, &c., shall make resistance, or refuse to yield obedience to his Majesty's authority, it shall be lawful to kill and destroy such person or persons, and all persons that shall resist by firing upon any of the commanded party shall be adjudged as felons without benefit of clergy; but all and every part of this so necessary a clause is altogether left out of the Act made here. 5thly, the Jamaica Act provides that, in case any person shall refuse to appear at such place as shall be appointed with his arms well fixed and ammunition, and being there shall refuse to obey his commission officer, such person shall be liable to such fines or corporal punishment as by a regimental court martial shall be thought fit; but by this Act there is no care taken for their appearing with arms and ammunition, and in case they refuse to appear at all, they are only fined 5*l.*, which they very well know will never be recovered against any for that cause in their Courts. They have by this Act likewise taken care to empower the persons that they do associate with the Judge of the Admiralty to try, &c., but have made no provision to impower him, so that, if he has no power to try piracy without their Act, that gives him none; and my commission from the Lords of the Admiralty gives me no such power. But, may it please your Honours, that which sticks most with me is how I can with safety—according to law, conscience or reason, sit and judge the lives of the King's subjects when all the Judges in the commission and on the bench besides myself are men that will not take the oath of allegiance, &c., to his Majesty, nor the oath of a Judge to give judgment indifferently betwixt the King and his subjects? Or how can I give judgment for taking the life of a subject on the verdict of a jury, not sworn, or on the evidence of witnesses, not sworn? and this is what has been practised here. I am sure no man living is more zealous to serve his Majesty in all things within my power, but I hope I may be excused if I join not with them in this arbitrary, illegal and unreasonable way of judging men's lives. I hope to receive some speedy orders and directions in this matter, either by sending a commission under the Great Seal or by ordering the pirates to be sent for England, (which in my opinion will be much the better and easier way); for those two pirates that are in the gaol of this Government must be tried by this defective lame Act, by Judges and juries not qualified, or not at all; and for the other six that are in the gaol of the West Jerseys, they cannot be tried there, having no Act of that nature yet passed. I will trouble your Honours no further with a comment on that false deceitful Act, which serves their turn well enough to make a noise, and, if possible, to abuse his Majesty. They have now sent it home in great triumph to Mr. Penn, who knows how to make use of it to serve a turn. The generality of the people here who are not of the Government exclaim against them to see them pass an Act not 3 weeks ago, and now there is so good an occasion offered to put it in execution, they will take no notice of it, but act quite contrary. I am confident your Honours will never find them act here in anything relating to the King's interest but after this false deceitful rate. I am sure it will be impossible to impose on your Honours' wisdom, whatever they may fancy; and we are not out of hopes that, since the wisdom of the Parliament has not thought fit to

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qualify or permit Quakers to give evidence in any criminal Cause, or serve on any juries, or bear any office or place of profit in the Government, they will in their due time extend their charity and consider the unhappy circumstances of this place, and make the like provision for us, especially if recommended to them by your Honours. I hope their Excellencies, the Governors of Virginia and Maryland, will give your Honours an account that they have seized the pirates which were carried from this Government by one Gravenrad [Graverard] in his sloop. I sent expresses to each Government with such directions that it will be a very hard matter for them to escape. By the return of the express to Governor Blakiston, his Excellency gives me advice that he had seized Gravenrad and his sloop with one of the pirates, and that 9 more of them had got passage for England. Your Honours will receive a more exact account from the Governors I presume. Once more to beg the favour of hearing from your Honours with all possible speed, which is the humble request of, your Honours' most faithful, humble servant, ROBT. QUARY.

Since my writing this, Capt. Kidd is come into this bay with a sloop, and a ship stands off and on. The sloop's boat and some of the men have been ashore to mend some iron work, and were kindly received at the Hore Kills, and several of the inhabitants have been on board them. This Government take no notice of it. I sent an express to the Governor of Virginia, who I hope will send the man-of-war hither time enough.

Endorsed (1) received this day from Mr. Savage from the Comrs. Customs.

(*h*²) 8 May. Letter from the same to the same as, follows :—

May it please your Honours,

I writ to your Honours at large of the 10th March, since which I have seized and condemned a sloop that came directly from Curesaw into the bay, and brought a great quantity of European manufactory. The goods were all landed and secured before I had intelligence, which is the misery of this place, and all for want of a small vessel. The sloop was two days landing the goods at a place not far from Newcastle. When they had done their business, they went and entered the sloop with your officer there. Had the master been then sworn and examined whether he had broken bulk, as he ought to have been, and as there was cause enough to suspect coming from Curesaw, there might have been a discovery made time enough to have seized these goods, or at least good parts of them. I got my intelligence from the seamen, who gave me all the particulars, for which I rewarded them, which is the only way to secure such men and make them willing to serve the King on such like occasions. There are a parcel of old pirates that are settled at a place in this Government called the Hore Kills just by the capes, so that, when any pirates come near this bay, they send their boats ashore to this place, where they have intelligence and are supplied by these men. Whilst Capt. Kidd was in this bay, he sent his boat ashore every day and was supplied, and these men went constantly on board him, and brought ashore with them great quantities of East India goods. The whole intrigue of this roguery has all been lately discovered. Governor Penn has been very active, not only in the discovery of this matter, but

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in committing them all to gaol, where they now are. He was pleased to advise with me about the trial of them. I am at a great loss how to proceed against them. The former Act was very full on this subject of confederating and dealing with pirates, but is repealed by the last Act I sent your Honours, which bears date since these men committed the fact. I am in great hopes that, before this, the Parliament of England have passed an Act that will answer our end on this occasion. In the mean time the Governor resolves to keep them close prisoners, which will be of great consequence in this respect, for this being the time that we expect the pirates from Madegazer [Madagascar] especially two ships that belong to New York, there are now sloops waiting on purpose for their coming, to unload their goods and convey away the pirates and their effects. I do wish that there were a small vessel of force here. I would not then doubt, but to give your Honours a very good account of them and their estates, as also the ships they come in. These old pirates must be removed from the Hore Kills, else it will be of very ill consequence, by giving the pirates that shall come intelligence, and supply them. Governor Penn promises positively that he will root them out of their old habitation, which will be a great service to the King. I will not give your Honours any further trouble, but beg leave to subscribe, as I truly am, your Honours' most faithful and obedient servant, ROBT. QUARY.

Philadelphia, the 10th April 1700.

Endorsed (2) received 26 July 1700.

(h^3) 8 May. Letter from the same to the same, as follows:—

May it please your Honours,

I took the freedom to write to your Honours at large in June last, to which I humbly beg the favour of a line in answer when it does best suit with your Honours' conveniency. And now, that I may not take up too much of your Honours' time, I will refer to the enclosed, being a copy of what I have written to the Lords of the Admiralty, which will inform your Honours of the present state of affairs here in relation to the King's interest. I have only this to add, that I never laboured under more difficulty than I do at present. I cannot charge it on Governor Penn further than the ill consequence of his late commissions, a copy of which I have sent your Honours, by which you will see that he has invaded almost all the powers of the Admiralty. I have paid him all the respect and service in my power, and have represented all transactions since his coming hither to your Honours and all the other great Boards in England as much to his advantage as I could, fully depending on his promise, which I am sure he would have performed, had he not been under a necessity of complying with his Quaker friends in order to the gaining the main point, a supply of money; and after all I believe they will disappoint him. I hope your Honours will please to join with the Lords of the Admiralty in representing to Governor Penn that his late commissions are not only contrary to his promise, but an invading the rights of the Admiralty, established by Act of Parliament, which I believe will produce this effect, that he will think it reasonable to recall his late commission, and appear the only Governor in America

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that opposes the authority of that Court. His reasonable compliance herein will prevent my troubling your Honours with complaint, which I am sure was never easy to me. I received a letter from Mr. Savage, who acquaints me that your Honours are pleased to remember my small services, and are resolved in a little time that I shall receive the effects of your Honours' favour to me, for which I pay your Honours my most humble and thankful acknowledgments; which is all that I will presume to add, but to assure your Honours that I will omit no occasion of serving your Honours and demonstrating that I truly am, your Honours' most faithful and obedient servant, ROBT. QUARY.

Philadelphia, the 14th 9ber 1700.

To the Honble. the Commissioners of his Majesty's Customs.

Endorsed (3) vide Commrs. Lr. 15 Aug. 1699.

(*i*) 9 May. Petition of William Penn, Esq., in behalf of his father, now absent in America. Petitioner's father has sometimes been, upon the unexpected departure of vessels, forced to send several papers to the several Offices of the Admiralty, Plantations and Customs, whereof he had not then time to send duplicates to those who looked after his affairs here, and when duplicates afterwards were transmitted, the ships by which they were sent, perished at sea. Petitioner, having recourse to the papers now laid before the House, perceives several of those papers are not among them. Prays the several Offices may be ordered to produce as well those which are for the advantage as those that seem to prejudice Petitioner's absent father. *Signed* Wm. Penn. L. J., XVI. 676. *Endorsed* as read this day.

(*k*) 9 May. Order of the House on preceding Petition, ordering the production of all the papers that may any way concern Mr. Penn's father. *Signed* Mathew Johnson, Cler. Parliamentor. L. J., XVI. 676. *In extenso.*

(*l*) 10 May. Letter from the Secretary of the Admiralty to Mathew Johnson, Esq., Clerk of the Parliaments. Since the commands received yesterday, he has caused strict search to be made, and cannot find more than the two papers herein enclosed, relating to Mr. Penn, the one a letter from himself, the other from Col. Quary. *Signed* J. Burchett. *Dated* Admiralty Office this day. L. J., XVI. 678. *Endorsed* Papers received from the Admiralty 10 May 1701 relating to Mr. Penn. The enclosures are as follows:—

(*l*[1]) 10 May. Letter from Mr. Penn to the Lords of the Admiralty, of 10 Dec. 1700, and delivered this day, as follows:—

Philadelphia, 10th of X[br] 1700.

Honourable Friends,

If I have not hitherto wrote, 'tis not of disrespect but caution, being rather willing the account of my conduct should come from those who have reproached that of my Lieut., because I depend on their honour in doing me justice, and forbear being particular in my own favour, that I may not be thought vain, where I so much value your better opinion. That which quickens this from me is the business of the ship *Providence*, John Lumby, commander, and to request some plain rules for our future conduct. I well remember that this Government's uneasiness at the condemnation of Lumby was made an article against it to me

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at home, upon which, after my arrival, I made it my business thoroughly to inquire into the steps of that affair, and find our fault was chiefly this, that endeavours were used to persuade your officers here to accept of security for the vessel, which two of the most eminent merchants of the place offered to the High Admiralty of England, if she might proceed in her voyage, it evidently appearing that she was English built, registered and duly navigated, only the certificate of the registry, through the master's carelessness, was wanting; but shall forbear alleging particulars in defence of the people's uneasiness of that piece of rigour, seeing the whole now appears to your Court to merit your further enquiry. I shall only request that, (more than complying with the inhibition and orders already sent, which I have readily done), I may have no greater share in the trouble or charge, if any follow, than I intended to have of the gain, for the master and all others concerned here know, I was resolved never to touch with any part of either ship or cargo, more than to give storage to, and take care of the third of the latter allotted to me, on division of the whole, that it might be the safer preserved for the merchants though the inhibition had never come. What other slips this Government, especially Colonel Markham, my deputy, has been accused of, as I shall not make it my business to vindicate him, so I hope they will not be laid to my charge, being obliged by the Queen not to put him out, because he was Col. Fletcher's deputy before, without the royal orders or consent, as by the minutes of Council at Whitehall may appear, and I suppose he has himself sent home his vindication to the Lords of Trade and Plantations.

I cannot, my Honourable Friends, but lament that occasions should be taken where, for my own part I can boldly say it, not the least is designed, and where I dare affirm, the Admiralty meets with as much deference and compliance from the Government in general, as anywhere in the King's dominions, and ever shall while I am concerned, in all its just powers and commands, an infelicity I am apt to believe very much owing to the small opportunities of acquaintance the gentlemen concerned in it here have had with the Civil Law and the proceedings of Doctors' Commons, as some of themselves do acknowledge, and which I conceive some experienced attorney in the practice and customs of that great and honourable Court might, in a great measure prevent, by distinguishing the just boundaries of the civil and maritime powers, where they border one upon another, which is submitted to the Lords' consideration for the King's service.

To this unacquaintance doubtless is to be imputed their opinion that, they are in all cases to act to the literal extent of the commission which sometimes breaks in upon our Civil Courts of Record, to a degree that cannot but extremely confuse us, a practice unknown in our neighbouring Governments where all things done *infra corpus comitatus* are, without dispute, tried by the Civil Courts only, of which New York, now the most celebrated of these colonies for regularity in such cases, is a convincing instance. And indeed, it cannot be conceived that the Courts of Admiralty erected in these plantations, chiefly for trial of offences against the act of trade and piracy, were ever designed to extend so far as that nothing should be done a foot off the shore in any creek or river but by its powers; and that

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all actions of bakers, butchers, victuallers, smiths, cordwainers, &c., suing for provisions furnished to, or work done for, vessels and such like private and civil cases, should be tried in the Admiralty only, and without a jury; a thing extremely dissatisfactory to the King's subjects here in general, but what I have never yet offered to prohibit, rather desiring they should be diverted from it by directions of our superiors at home, though I must confess it is troublesome.

Another thing that appears no less unreasonable, I must beg leave to mention, which is that Colonel Quary, being out of the province the greatest part of last summer, about five months at one time, forced to it by his trading affairs and a fit of sickness, there was a great ball fired from [a]board of a vessel before the town through a house on the middle of the quay, to the great terror of the inhabitants. Upon which Jno. Moore, Advocate of the Admiralty, as well as others, applied himself to me to take notice of the master, which I did, but found it only an accident. But for coercion of such actions for the future, and for maintaining the peace, as well on the water as land, I gave the sheriff of Philadelphia a commission to be water bailiff for the port, and for our better guidance, had it drawn by the naval officer of New York, then in this town, being also a lawyer of considerable practice under Lord Bellomont and judged able in naval affairs in general. With this commission, Col. Quary, returning home, appeared much dissatisfied, as if by it I had invaded the powers granted him by the Admiralty, which I must confess did not a little surprise me, for nothing can appear more unreasonable or absurd to me than that this country being granted me by the King's Letters Patent, both soil and government, with the royalties of both land and water, and full powers of founding cities, corporations, &c., with all courts, magistrates and officers necessary for their government, which by the blessing of God, through my interest has, in a short space, been raised to a flourishing condition and thereby no inconsiderable accession been made to the dominions of the Crown, my power should be disputed of appointing an officer, that most mayors of ports in England, if I mistake not, have the privilege of; and that I, who can constitute the mayor, cannot an officer, that may be afterwards appointed by him, according to the practice of our neighbouring Government of New York, nor my orders or warrants be good a stride off the shore, though so absolutely necessary to the administration of justice. For I need but appeal to your Honourable Board what the consequence must be, if a criminal pursued or a debtor escaping, if he but step off the wharf on board any vessel should be out of the power of all of our civil officers, and be able to bid them defiance. Yet, unreasonable as this is, such has been my care not to disoblige the Admiralty here, that even that trivial commission had scarce been granted by which there have not yet four warrants been served, had the Judge been at home, or had John Moore, left in his room, seemed inclinable to act. But the peace must be preserved, and therefore I was obliged to do more than otherwise I should, not through any doubt of my power, but to prevent clashing and misunderstandings, till affairs might be settled, pursuant to an agreement between Col. Quary and myself, that we should represent home such things as might be thought doubtful for both our security,

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rather than give the least occasion to the inhabitants of observing any misunderstanding between us. And I now earnestly request that the High Court of Admiralty would be pleased, for our safety and ease, to give us their instructions herein, and take unto their consideration the inconveniences that must needs ensue upon the civil and maritime powers interfering with one another, which I humbly submit, requesting their notice, and that they would believe my mentioning these things proceeds not from any design of abridging the just powers of that Court in this province; on the contrary, I have always countenanced it since my arrival, and of this the Judge himself cannot but bear me witness. He has showed himself honourable to me in it since I came hither, and I hope no resentments or uneasiness he may entertain from the inhibition on the ship *Providence*, with which I am no ways concerned more than by your commands, will divert that strain of candour he has in his discourses so largely professed to me. Yet I cannot but observe that, though no other in its nature, as I take it, than a writ of error or certiorari in the Common Law, it comes not without some discouragement, and puts him upon his defence, in which I hope he will shew himself so just, as not to make parties of professions, nor use names for reflections, for I am sure none of the province that I have heard of, has acted in it since my arrival, till put upon it by your orders. Nor were the Quakers the only people dissatisfied at their proceedings in that business, those of his own sentiments being equally uneasy at their rigour. But, if anything reflecting should unhappily escape any of your officers' pens, I hope you will be please to favour me with the knowledge of it; and, if it be not cleared to your satisfaction, then let me fall under your censure, which I should be unwilling to incur at any rate. In fine, to show how far I have been from discouraging the Admiralty here, I have made the Advocate of that Court, Attorney-General; and our under sheriff is their Mareschal which cannot be thought to look as if it were designed we should draw two ways.

But I have too long, I doubt, transgressed on your patience, and shall therefore only stay to inform you that some time since I received a letter from your Secretary by your order, requiring Robt Bradenham, Kidd's Doctor, to be sent home, which I then omitted to answer, having done it by sending him four months before, by the King's commands to the Lord Bellomont, with all his treasure, not forgetting his little negro, without deducting one farthing for all our charges of conveying him to New York or trouble of finding the money, &c., which was considerable; for all which I have been thought punctual to a fault, by some perhaps of whom you have a good opinion. And, if I may make bold to add this, and say in my own right, without ostentation, I have endeavoured to serve the King with the utmost application and integrity, of which I presume the Lords of Trade are satisfied, and in all things have preferred his interests before my own, though they have greatly suffered by it, and that without the least allowance for it any way, or even claiming those royalties which your Advocate himself is of opinion, by my grant, I am entitled to.

The length of this, I must say, would need an apology if it were not a letter of business as well as respect. But I have done when I have assured you, as now I do, that I shall on no

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occasion claim any privilege by being proprietary against the zeal and duty that is expected from, or should recommend any King's Governor where his service is concerned, and that I am with great regard, your most faithful and respectful friend, WM. PENN.

Enclosed is the copy of the commission mentioned.

(l^2) 10 May. Letter from Col. Quary to the Lords of the Admiralty, of 10 March $\frac{1699}{1700}$, and delivered this day. It is all in Col. Quary's hand, and his letter of 6 March (Annex (e^2) above), which is in a clerk's hand, is a duplicate of it.

(m) 10 May. Letter from Mr. Savage, of the Customs, to Mr. Johnson, Clerk of the Parliaments, stating that, pursuant to their Lordships' Order of the 3rd inst., he had lodged with Mr. Sambrooke such letters as the Commissioners of the Customs had, relating to the complaints against the Governors of the plantations in America; and, in pursuance of another Order of 9th inst., he now transmits a letter they had formerly received concerning Mr. Penn, in Pennsylvania, desiring Mr. Johnson's care thereof, that in due time he may have it back. *Signed* Richd. Savage. *Dated* Custom House, London, 10 May 1701. *Endorsed* as received this day. L. J., XVI. 678.

(m^1) 10 May. Letter from Col. Quary to the Commissioners of the Customs, of 6 March $\frac{1699}{1700}$, delivered this day as an enclosure in preceding. It is identical, *mutatis mutandis*, with his letter of 6 March to the Lords of the Admiralty (Annex (e^2)). It begins as follows:—

May it please your Honours,

I am honoured by yours of the 15th of August, by which you are pleased to favour me with an account of what steps your Honours have taken in order to the asserting the King's authority in this Government, which does sufficiently demonstrate your zeal for his Majesty's service and interest. I am very glad to find that my several letters were laid before your Honours, the want of which advice was the reason of my troubling your Honours so often. [Then after the passages referring to Governor Penn, which are almost indentical with the corresponding passages in Annex (e) the letter proceeds as follows:—] In obedience to your Honours' commands, I have sent a list of such fees as is taken in New York by the Register and Marshal of the Court of Admiralty there. Mr. Moore, the Advocate of this place, is a person well read in the law, and a very ingenious man. He expects some better encouragement, else he will not act longer. I presume he will write to your Honours, unto which I refer. For my own part, I never received any fees, nor do I think it proper for a Judge to receive profit or advantage by any condemnation. It will open the mouths of the people and cause reflections, which I will ever avoid. I have served your Honours' and the King's interest these two years. I will not trouble your Honours with the history of the difficulties and fatigues I have laboured under, besides my travelling through these provinces and that of West Jersey to hold Courts, all the charge of which and maintaining all the officers has been out of my pocket. I am extremely obliged to your Honours for your generous and favourable representation of my service to the

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Rt. Honble. the Lords of the Treasury, in order to an establishment or some other suitable reward. I will not presume to prescribe or say anything on my own behalf, but humbly submit all to your Honours' wisdom. I am sure his Majesty's Governors of Virginia and Maryland will satisfy your Honours that no man is more capable of serving your Honours' and the King's interest in these parts than I am or will do it more faithfully. [Then follows the account of the capture of the pirates, as in (e^2), adding that he had taken upwards of 2,000 pieces of eight with the two pirates seized on board a sloop in the bay. The remainder of the letter is as follows:—] Your Honours will have an account of the master of the sloop, *Graverard*, in the enclosed memorial. This letter* was intercepted by the Governor of the Jerseys, Col. Bass, as it was going through his Government towards New York. I will presume to give your Honours a short account of the Hull ship which has made so great a noise at home. When she was first seized, I was willing to put off the trial, but nothing would serve the master but a speedy determination of the business, and, in order to it [he] petitioned for a Court, which I could not refuse. When the trial came on, and the matter of the libel managed by the King's Advocate, his lawyers had nothing of law to offer on his behalf, but a long story of equity. The libel being grounded on a penal Statute, I could not give any other Judgment but according to the law without violating my oath. Had he not pressed on the trial there might have been application made to your Honours for an order to clear her; but the Judgment and Decree of the Court has altered the property. However, I did not immediately order the disposal of the ship and goods, as the law directs, and as the King's Advocate did very much press, but kept them safe without division, that so the master might try what he could do in England to reverse the Judgment of the Court. I did likewise propose these two things to the master, first, if he would give security for what the ship should be appraised at, that I would order her to be delivered to him immediately. If the Judgment of the Court were reversed in England, then the bond to be void, else to be in force. The other thing I proposed was that, if he could buy the ship, I would endeavour with the Governor and the prosecutor that he should have her on very easy terms. He seemed willing to it, and accordingly I went to the Governor, who was so generous as to say that he would give him his third. I prevailed upon the prosecutor to take 100*l.* [of] this country money, which is not 70*l.* sterling, and promised him that I would so far presume on your Honours that he should have the King's share on the same terms, and further that I would write to your Honours in his behalf, and not question, but that your Honours would be a means that the King's share should be returned; and then the ship would not stand the owners in 100*l.*, all fees and charges, though she is really worth 900*l.* and 1,000*l.* It is not in my power to give away the prosecutor's share, though I have prevailed with him to be as easy as possible. I have acquainted Governor Penn with all the steps I have taken, who is pleased to say that, as the ship is under condemnation, nothing more kinder or fairer could be

* *See* (e^2) Enclosure (2).

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offered than what I have done; but the unhappiness is that I have to do with a man that has not sense to know his own interest, or when he is kindly dealt with. He follows the advice of some fellows here that design his ruin, and will thoroughly effect it. A great deal of the goods were damaged on board the ship, and by lying are grown much worse; so [I] was forced to give a warrant of appraisement, and had them sold. They were appraised to the utmost of their value. If the master does not come to some resolution very quickly, I must be forced to order the sale of the ship by inch of candle. The Governor resolves to try his skill to bring this mad man to his senses, the result of which your Honours shall have by the next. This business has given me a great deal of trouble and loss of time, and I am sure, let the business end how it will, I shall neither gain nor lose by it. I must refer your Honours to the enclosed memorial, and desire that I may receive your Honours' orders and directions on the several matters thereof, which shall be punctually observed by, your Honours' most faithful and obedient servant, Robt. Quary.

Philadelphia, the 6th day of March $\frac{1699}{1700}$.

(*n*) 10 May. List of papers and letters in the custody of the Commissioners of Trade, which was delivered this day by Lord Lexington. L. J., XVI. 678. The list is as follows:—

Pennsylvania.

Copy of Mr. Penn's commission to William Markham to be Governor of Pennsylvania.

Copy of Mr. Penn's commission to John Godson and Samuel Carpenter to be Assistants to Mr. Markham.

Letter to Mr. Penn about a bond to be entered into for his Deputy Governor at Pennsylvania.

Letter from Mr. Snead, in Pennsylvania, to Sir John Houblon, complaining of Col. Markham, Deputy-Governor there, in relation to pirates.

Information of Mr. Robinson, &c., about some of Every's crew in Pennsylvania.

Proceedings relating to the privateer bays being harboured in Pennsylvania in 1696, and to some seamen being run away thither. Declaration of the Governor and Council of Maryland about the harbouring of pirates and run away seamen in Pennsylvania. His proclamations thereupon. A paper about pirates and illegal trade.

Letter from Mr. Penn to the Secretary, about complaints against his Deputy-Governor for protecting pirates.

Received from Mr. Penn copies of letters and other papers sent from Colonel Markham to himself, relating to pirates in Pennsylvania, and about the Quota to New York.

Letter to Mr. Penn about the laws of Pennsylvania, and about security for his Deputy Governor.

Letter from Mr. Penn with the laws of Pennsylvania.

Letter from Mr. Penn to the Board, relating to the security required from the proprietors for their respective Deputy Governors in the plantations.

Letter from Mr. Robt. Snead, of Pennsylvania, to Sir John Houblon, relating to the protection of pirates in that Government.

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Address from the Freemen of Pennsylvania to his Majesty, dated 30th May 1698.

Letter from Colonel Quary to the Board, relating to Courts of Admiralty. Dated at Philadelphia, the 4th of July 1698.

Letter from Colonel Quary, Judge of the Admiralty in Pennsylvania, to the Board, dated the 25th August last, about illegal traders in that province.

Letter from Colonel Quary to the Board, dated at Philadelphia the 6th September last.

Letter from Colonel Quary to the Board. Dated the 16th September last.

An Act for preventing frauds and regulating abuses in trade within the province of Pennsylvania and counties annexed; brought to the Board by Mr. Penn.

Memorial of Mr. Penn, in answer to some complaints against the people of Pennsylvania and particularly against Col. Markham.

Letter from Colonel Quary, Judge of the Admiralty for Pennsylvania, to the Board. Dated 1st March 1698–9.

Representation relating to Pennsylvania.

Letter from Colonel Quary, of the 1st June 1699, about pirates arrived in Pennsylvania and other places.

Letter from Colonel Quary, of the 6th June 1699, about the arrival of Kidd and other pirates in Pennsylvania and other places.

Representation, relating to the arrival of pirates in Pennsylvania and West New Jersey and to illegal trade between New York and Madagascar.

Copy of an Order of Council, of the 31st August 1699, upon a representation of the 4th of the said month, relating to Pennsylvania declaring their Act for preventing frauds, &c., and all others contrary to the law of England to be void.

Copy of an Order of Council, of the 31st August 1699, upon a representation of the 4th of the said month, about the arrival of pirates in Pennsylvania, the Jerseys, &c., disallowing Mr. Markham to be Lieutenant-Governor of Pennsylvania, &c.

Order of Council, of the 31st August 1699, upon two representations of the 4th and 10th of the same month, relating to Pennsylvania, &c.

Letter from Capt. Webb, late Governor of the Babama Islands, dated in Pennsylvania the 26th June 1699 complaining that the seamen belonging to the ship in which he was come hither joined with other pirates in Pennsylvania and ran away with the said ship.

Deposition of Wm. Bryant upon that subject.

Letter to Mr. Penn, with the late Order of Council, upon the representations of this Board of the 4th and 10th August 1699.

Letter from Colonel Quary, of the 20th October 1699, continuing complaints of the like nature with those in his former letters.

Letter from Colonel Quary to the Board, with account of Mr. Penn's rectifying affairs in that province, dated the 6th March $\frac{1699}{1700}$.

Letter from Mr. Penn to the Board, dated at Philadelphia the 27th February $\frac{1699}{1700}$.

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Letter from Mr. Penn to the Board, dated at Philadelphia 28th April 1700.

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Address of the General Assembly of Pennsylvania in vindication of themselves and the people of that province, dated the 9th of February $\frac{1699}{1700}$.

Two Acts passed at a General Assembly in Pennsylvania the 10th of February $\frac{1699}{1700}$.

Letter from Colonel Markham, late Deputy Governor of Pennsylvania, in vindication of himself against the complaints of Colonel Quary, &c. Dated 1st March $\frac{1699}{1700}$.

Mr. Penn's proclamation against pirates, dated 3rd December 1699.

Copy of Mr. Penn's commission to the high sheriff of Pennsylvania, to execute the office of water bailiff, 26th June 1700.

Letter from Colonel Quary to the Board, dated at Philadelphia, the 10th April 1700.

Copy of a letter from Colonel Quary to the Lords of the Admiralty, about proceeding in the Admiralty Court in Pennsylvania, dated at Philadelphia, 14th November 1700.

Letter from Mr. Penn, dated 8th and 13th December 1700.

Letter from Mr. Penn, dated 31st December 1700.

Letter from Mr. Penn, dated 6th March 1700–1.

Letter from the vestry-men of Christ Church, Philadelphia, complaining that their religious rites are invaded by a late Act of Assembly, dated 28th January 1700–1.

Endorsed Delivered by Lord Lexington from Commissioners Trade, 10th May 1701.

1635. April 25. Lloyd *v.* Cardy.—Petition and Appeal of William Lloyd, Esq. Appellant was Colonel of her late Majesty's Regiment of Dragoons. He contracted with John Cardy for the supply of four hundred and sixty cloaks and sixty suits, according to patterns supplied, at 2*l.* 14*s.* per cloak and 2*l.* 17*s.* per suit, to be delivered by the end of March 1695. The payment for these goods was to be made out of the off reckonings of the Regiment, beginning on January 1 following. Appellant gave an assignment upon Lord Ranelagh, Paymaster of the Army, for 1,425*l.*, (which is 12*l.* more than they cast up to), but he allowed the high prices as the payment was deferred. The goods, however, were not sent over to Flanders, where the Regiment was stationed, until the end of April or the beginning of May. They were then found to be made of various stuffs, averaging about 3*s.* a yard instead of 6*s.* 6*d.*, with the result that the cloaks were only worth about 22*s.* and the suits 30*s.* The difference amounted to 700*l.* The Regiment had been lately stripped by the French at Dixmuyde, so that they were obliged to use the things and there was no time to return them to Cardy. On his return from Flanders Appellant reported this abuse to the Pay Office and payment of the money was stopped pending enquiry. Cardy, however, endeavoured to arrest Appellant, who accordingly brought his Bill in Chancery praying that he might not have to pay more than the value of the goods, and that out of the off reckonings according to the agreement. Cardy put in his Answer that the goods were provided by Lawrence

1701. — No. 1635. De la Chambre & Co. and were as good as the patterns, and De la Chambre & Co. exhibited their Bill against Appellant for the 1,425*l.* The Cause was heard by the Master of the Rolls who ordered Appellant to pay the whole sum with reasonable costs and, on his appealing to the Lord Keeper, the Decree was confirmed, but the word, reasonable, struck out.

Appeals against the Decrees. *Signed* by Appellant. *Countersigned* Ric. Turner, D. Deane. L. J., XVI. 660. [The Cause was heard on 6 June, when *Mr. Cooper* and *Mr. Pooley* were heard for the Appellant and *Sir Thomas Powys* and *Mr. Phipps* for the Respondent. After debate, *On Question*, Whether this House shall direct a trial at law? The *Previous Question* was then put. *Resolved* in the negative by 20 to 15: Tellers, E. Stamford and E. Winchilsea. The Appeal was dismissed. MS. Min. L. J., XVI. 725.]

Annexed:—

(*a*) 3 May. Answer of John Cardy, merchant. The cloaks and suits were of the full value agreed upon or even better. They were viewed before they were sent by John Jones, who had been appointed by the Appellant to view them. Moreover the Appellant liked them so much that he offered to make another agreement with Respondent in 1697. The goods were supplied by Lawrence De la Chambre, Thomas Woods and Bostock Johnson, to whom Respondent assigned his claim for 1,425*l.* As the assignment given by the Appellant proved ineffectual, the 1,425*l.* remains wholly unpaid. The Decrees appealed against are equitable. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent. *Countersigned* Mainwaring Davies. *Endorsed* as brought in this day.

1636. April 25. Vexatious Suits Bill.—Draft marked for amendment* of an Act for the more effectual restraining of trifling and vexatious suits in law. Whereas [an Act of Parliament made in the three and fortieth year of the reign of the late most gracious Queen Elizabeth, intituled an Act for avoiding of trifling and frivolous suits in law in her Majesty's Courts at Westminster, which Act has been since made perpetual, as also a clause in another Act of Parliament made in the two and twentieth and three and twentieth years of the reign of his late gracious Majesty King Charles the Second, intituled an Act for laying impositions on proceedings at law, in which clause mention is made of the said Act made in the three and fortieth year of the said Queen, have been found by experience to be wholesome laws and for the good and peace of the people and for preventing oppression by frivolous and vexatious suits; but, forasmuch as the said laws are restrained only to personal actions brought in his Majesty's Courts at Westminster, many malicious persons, designing the oppression of others, to evade the justice of the said Courts at Westminster and good intention of the said laws, are encouraged to commence and bring the said trifling and vexatious suits in other inferior Courts of Record in the Realm by reason that in the said inferior Courts they do recover greater costs than they can in like actions in the said] *several trifling and vexatious actions of trespass and of assault and battery are oftentimes commenced in the inferior Courts of this Realm, by reason that in the said inferior Courts the plaintiff or plaintiffs do*

* The omissions are shown by square brackets, and the additions by italics. The amendments, where not marked on the Draft, are supplied from the Annexes below, being identified by the marks in the margins of the Draft and Annexes.

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recover greater costs than they can in like actions in his Majesty's Courts at Westminster. For remedy thereof, Be it enacted, &c., that [the said Statute, made in the three and fortieth year of the said most gracious Queen, as also the said clause in the said Act of Parliament, made in the two and twentieth and three and twentieth years of his late most gracious Majesty King Charles the Second, shall extend to and be construed to extend to all such personal actions, (which in the said Acts or either of them are mentioned and provided for), as shall at any time after the day of next ensuing be brought sued or commenced in any inferior Courts of Record in this Realm, in like manner as the said Acts have provided for the said personal actions in his Majesty's Courts at Westminster; and, for the more effectual restraining of vexatious proceedings in the said inferior Courts of Record, be it enacted by the authority aforesaid that no precept or process whatsoever from and after the said day of next shall issue out of any such inferior Courts to attach or seize the goods of any person in possession of him or her or themselves or servants whereby or by virtue, cause or occasion whereof, the same or any part thereof shall be removed from the place where the said goods shall be attached, until the condemnation thereof and the debt or damages due to the plaintiff or plaintiffs in such suit or suits in which the same shall be so attached shall be ascertained by a jury to be summoned and sworn in such Court or Courts for that purpose by the Judge or Judges thereof, who are hereby empowered so to do, nor shall any person or persons be compelled to give special bail to any action or plaint to be levied or commenced against him, her or them, in any such inferior Court, unless the debt or damages then due to the plaintiff or plaintiffs, shall amount to five pounds at the least; and, where the debt or damages shall be under five pounds, no person shall be obliged to give special bail to such action or plaint to be levied or brought in any such inferior Courts of Record upon any habeas corpus or certiorari removing the same thence; and, if any person or persons, by virtue of any arrest, attachment or other process out of such inferior Court or habeas corpus or certiorari removing such Cause shall be held to special bail, and the plaintiff or plaintiffs in such suit or process shall discontinue his, her or their suit or suits, be nonsuit, or a verdict or judgment shall pass against him, her or them, or he, she or they shall recover less than five pounds debt or damage, such plaintiff or plaintiffs, in respect of such vexation in holding such defendant or defendants to special bail, shall have no costs of suit, but such defendant and defendants shall have his, her and their full costs of suit against the plaintiff and plaintiffs in such manner as if a verdict and judgment had passed for him, her or them against the plaintiff or plaintiffs, such costs to be taxed and recovered by cap. ad satis. or fieri fac. against such plaintiff or plaintiffs, and to issue out of the same Court where such discontinuance, nonsuit, verdict or judgment shall happen to be. And, whereas arrests and attachments are very often-times made by process out of inferior Courts when the cause of action does not arise within the jurisdiction of such inferior Courts, and the defendants are held to special bail therein, and such bail must be by persons living within the jurisdiction of such inferior Courts, which is very inconvenient and mischievous to the defendants, being very often absolute strangers within such inferior jurisdictions; for the remedy of which mischiefs for the future, be it enacted by the authority aforesaid that, from and after the said day of now next, no person shall be arrested, or his or her goods attached, by any process out of any inferior Court, unless the cause of action for which he or she

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shall be arrested, or his or her goods attached did arise within the jurisdiction of such inferior Courts; and all process[es], arrests, [attachmen]ts, proceed[ings], trials, judgments, [causes of] actions to be pr[illegible]d, made, obtain[ed or] executed in any inferior Courts in any Cause, matter, or thing not arisen [within] the jurisdiction of such inferior Court shall be and is hereby declared vo[id and, if on] the trial of any Cause in any inferior Court, it shall appear to the Judge o[f such] inferior Court before whom such Cause shall be had, did arise out of the jurisdiction of such inferior Court, the plaintiff or plaintiffs in every such Cause shall have no verdict in the said Cause, but shall thereupon be nonsuited, or a verdict shall pass for the defendant because the cause of action did not arise within the jurisdiction of such inferior Court] *from and after the first day of August in the year of our Lord* 1701 *in all actions of trespass and of assault and battery to be commenced in any such inferior Court in which no special pleadings shall be had or pleaded, nor wherein the Judge at the trial of the Cause shall not find and certify under his hand upon the record that the assault and battery was sufficiently proved by the plaintiff against the defendant, or that the trespass was wilful and malicious, the plaintiff in such action, in case the jury shall find damages to be under the value of forty shillings shall not recover or obtain more costs of suit than the damages so found shall amount unto. And whereas suits are very often commenced by process out of inferior Courts when the cause of action does not arise within the jurisdiction of such inferior Courts, and the defendants are had to special bail therein, and in all other suits there commenced of the smallest value, contrary to the usage of the Courts at Westminster, and such bail are insisted on to be persons living within the jurisdiction of such inferior Courts, which is very inconvenient and mischievous to the defendants, being very often absolute strangers within such inferior jurisdiction; for the remedy of which mischiefs for the future, be it enacted by the authority aforesaid that, from and after the said first day of August no suit shall be commenced against any person or persons by any process out of any inferior Court unless the cause of action did arise within the jurisdiction of such inferior Court; and, if on the trial of any Cause in any inferior Court or otherwise, it shall appear to the Judge of such inferior Court before whom such Cause shall be tried or depend (let whatsoever issue be joined therein that the cause of action did arise out of the jurisdiction of such inferior Court), the plaintiff or plaintiffs in every such Cause shall have no verdict in the said Cause, but shall thereupon be nonsuited, or a verdict and judgment shall be given for the defendant, because the cause of action did not arise within the jurisdiction of such inferior Court. And, where the debt or damages in any suit to be commenced in any inferior Court at the commencement of such suit do not amount to the value of forty shillings at the least, no person or persons shall be obliged to give any special bail to any action or plaint to be levied or brought in any such inferior Court or upon any habeas corpus or certiorari removing the same thence; and, if any person or persons, by virtue of any arrest or other process out of such inferior Court or habeas corpus or certiorari removing such Cause, shall be held to special bail, and the plaintiff or plaintiffs in such suit or process shall recover less than forty shillings debt or damages, unless the Judge or Judges, before whom such Cause or Causes shall be tried, shall certify that, at the time of the commencement of such suit, the plaintiff had a probable cause for the recovery of the sum of forty shillings or more, such plaintiff or plaintiffs, in respect of such vexation in holding*

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such defendant or defendants to special bail, shall have no costs of suit, but such defendant and defendants shall have his, her and their full costs of suit against the plaintiff and plaintiffs, in such manner as if a verdict and judgment had been given for him, her or them against the plaintiff or plaintiffs, such costs to be taxed, recovered and levied by capias ad satisfaciendum or fieri facias against such plaintiff or plaintiffs, and to issue out of the same Court where such verdict or judgment shall happen to be. Provided always that this Act or anything herein contained shall not extend to any Court or Courts of, in or belonging to the city of London, the customs and liberties thereof having been confirmed by divers Acts of Parliament.* [Read 1ª this day and after a Second Reading, committed to a Select Committee, which on 23 May amended it as above. It was passed and sent to the Commons, who negatived the Second Reading. L. J., XVI. 660, 706. Com. Book. C. J., XIII. 591.]

Annexed :—

(*a*) 23 May. Draft Bill substituted for the original Draft by the Select Committee this day. Its contents are shown in italics above. Com. Book.

(*b*) 23 May. Draft Clause, marked B, added to the Bill by the Select Committee this day. Com. Book.

1637. April 26. Allen *v.* Duchy of Lancaster Attorney-General.—Petition and Appeal of Thomas Allen, Esq., infant, by Stephen Barnes, Gent., his guardian, Elizabeth Allen, widow, Wm. Sherrard, Junr., and Wm. Wells. Petitioners, who are the terre-tenants of Oldfold, *alias* Oldfield, Gulemead, Sconderlands and the New Park, forming the manor of Oldfold *alias* Oldfield, of 1,400 acres, adjoining Endfield Chase, formerly Endfield Park, have had, time out of mind, common of pasture free in the Chase for their sheep and cattle and for 40 swine, 40 goats and 2 buck goats. For any others they have paid the same as the people of the town of Endfield. They have also had a right to hunt and hawk game started on their land, and to pursue it into the Chase. There are old deeds whereby one Arnold de Mandevil granted to one Henry de Frowick, his heirs and assigns, seven score acres of land, (wood measure, containing 20 feet in a perch), in the Close of Oldfold, with a certain way to Endfield Park, with all chases and easements, and with power to hunt all beasts of venery with dog and horn, as well as pheasants, partridges and other birds of warren, and to pursue into Mandevil's domains, and there catch, any game started on his own land. Humfry de Bohun, Earl of Hereford and Essex, confirmed to Frowick all the lands he bought of Mandevil in Southmynis, with right of common in the Park of Endfield, saving that none else of Southmynis should claim such common. By another deed the Earl confirmed the same land and liberties to Frowick, together with free common for 40 goats and two buck goats, paying for more the same as the people of Endfield. In 2 Hen. V. Endfield Park was annexed to the Duchy of Lancaster, and has since become Endfield Chase. The lands of Oldfold then passed to Ralph Waller, Esq., with reversion in fee to Henry Conesby, Esq., afterwards to Thomas Conesby, Esq., and then, for 7,600*l.*, to Thomas Allen, Esq., since a Knt., who was Appellant Thomas's grandfather. They now belong to Petitioner Elizabeth for life, as her jointure, with reversion to Thomas, and the rest of the Appellants are her under-tenants. In 8th Eliz., on a Bill in the Duchy Court exhibited by

* The rest of the Bill consists of clause, marked B, Annex (*b*).

1701. — No. 1637. the Crown against Mr. Waller for claiming common, the right was decreed to him and to Henry Conesby after him. In 22 Jac. I., on an Original Bill against Thomas Conesby, it was decreed that he should have common of pasture for seven score acres for all manner of cattle except sheep, and for 40 hogs and 40 goats and two buck goats; but he was debarred from hunting or hawking within the Chase. This Decree was ignored. In last November, on complaint that Petitioners depastured sheep in the Chase, a scire facias was issued, at the instance of some private persons, for reviving it. On 18 Feb. last Petitioners' plea of purchase, prescription and lapse of time was overruled, and the Decree was revived with 5 marks costs. This Decree ought to be discharged, because of the old deeds, to which allusion has been made, and because the revived Decree was a reversal of the former one without a Bill of Review. Petitioners' right of inheritance ought not to have been taken away without a trial at law, and proceedings should have been deferred until Thomas came of age. Appeal against the Decree and pray the Attorney-General for the Duchy of Lancaster may answer, and a day be appointed for the Hearing. *Signed* Eliz. Allen, S. Barnes, Wm. Sherrard, Junr., Wm. Wells. *Countersigned* Wm. Dobyns, Wm. Barnesly. L. J., XVI. 661. [At the Hearing on 16 June *Mr. Dobyns* was heard for the Appellants. *Mr. Phipps*, for the same: The Decree itself cannot bind us. The words of it do not reach us. We ought to be put to a trial at law. We think the Decree in Q. Eliz. good, and that in King James's time not hurtful to us. They read their grants in Latin, and several rules and orders relating to marking sheep. *Mr. Cooper*, for the Respondent: The King by his Attorney revives the Decree of Q. Elizabeth by scire facias. We hope the Decree is well affirmed and well revived, and will be affirmed by your Lordships. *Mr. Pooley*, for the same: This was to extend to cattle that had right of common, but not sheep. These are not commonable cattle in a Chase. We have revived it in the right way and regularly, and their plea was not regular. *Mr. Dobyns*, in reply: The matter between us is whether a sheep be an animal or not, as mentioned in our grant. The Appeal was dismissed. MS. Min. L. J., XVI. 752.]

Annexed:—

(*a*) 6 May. Answer of Edward Northey, Esq., Attorney-General of the Duchy of Lancaster, on behalf of his Majesty. The Decree was revived on complaint of the officers of the Chase, and the objections against it are the same as those made and overruled before. These Appellants are in the same position as the persons against whom the former Decree was made, and are bound by it. *Signed* Edw. Northey. *Endorsed* as brought in this day.

1638. April 29. Dean and Chapter of Lincoln *v.* Pye.—Petition and Appeal of the Dean and Chapter of the Cathedral Church of Lincoln and Charles Newcomen, Gent. Francis Thorndyke, long deceased, in default of issue male of his only daughter Anne, entailed his lands &c. of Scamblesby, Great and Little Carletons and Castle Carleton, in Lincolnshire, (the Carletons worth over 140*l.* a year), on his brother Dr. Herbert Thorndyke and his heirs male, burdened with 1,000*l.* portion for Anne's daughter, or 500*l.* apiece, if she had more than one. Anne married Hugh Allington, Esq., and left an only daughter, Anne. Dr. Thorndyke, by a common recovery, docked the entail, and left the three Carletons to his cousin and executor Edward Buckley, for the use of his wife and family, subject to the charges in his brother's Will. He devised Scamblesby, worth then about 61*l.* a year,

1701. — No. 1638.

but now 48*l.*, to the late Dr. William Sancroft and the Appellant Newcomen, in trust to pay Anne, the granddaughter, 1,000*l.* at her marriage or age of 18, and in the meantime 60*l.* a year to her father for her education; and then to found a perpetual Vicarage of Scamblesby, in the patronage of the Dean and Chapter of Lincoln, and endow it with the fee simple of the lands. If, however, the Vicarage could not be founded, the profits were to go to the person serving the Cure. To enable these trustees to pay the 1,000*l.*, he made over to them a bond for 500*l.* due from the Chamber of London to Mr. John Needham in trust for him, with the interest, and also his Latin books. The proceeds were to go to the Vicarage if not needed for Anne, who was to receive only 60*l.* a year if she married before the 1,000*l.* could be raised. Anne died at the age of 14, notwithstanding which Richard Pye, Esq., and his wife Barbara, daughter of Hugh Allington by a second wife, under colour of a pretended Will of Anne leaving the 1,000*l.* to Barbara, brought a Bill in Chancery against the Appellants Sancroft, Buckley and others. They obtained a Decree on 11 Dec. in 9 Will. III. from Lord Somers, the late Lord Chancellor, declaring the 1,000*l.* a charge upon all the lands, etc., and that the Plaintiffs should be paid interest as from the death of Anne. It was referred to Sir Richard Holford, Knt., one of the Masters, to compute the interest of the legacy and the profits of the estate. The interest from Anne's death in 1681 to March 1697–8 was computed at 990*l.*, and the costs at 140*l.* The Decree was signed and enrolled. Since this, Buckley and his wife are both dead and their only daughter Elizabeth is now married to William Wolfe; and Pye has taken a security from the Chamber of London in his own name for the amount due to Thorndyke on the bond and the proceeds of the books, which were paid into the Chamber. Since that Decree, Pye obtained another from the Master of the Rolls, on 21 June 1700, against Appellants and the Wolfes, Nicholas Smith and others, for the sale of Scamblesby, to make up to Pye the insufficiency of the rent, the surplus, if any, to go the Vicarage. Appeal against these Decrees on the ground that the legacy was only contingent on Anne's marriage or reaching 18 years, or, if not, that the Carletons were equally liable for the legacy, and that the bond and the proceeds of the books were expressly devoted to the Vicarage in case of Anne's premature death. Pray that the Pyes and the Wolfes may be summoned to answer. *Signed* Ab. Campion, Dean, Jo. Mandevile, Chancellor, John Knighton, Sub-Dean, Charles Newcomen. *Countersigned* Jon. Squibb, T. Parker. L. J., XVI. 663. [The Appeal was dismissed for want of prosecution on 1 May 1702. L. J., XVII. 112.]

Annexed:—

(*a*) 24 May. Answer of Richard Pye, Esq., and Barbara, his wife. The Decrees appealed from are just. They hope the Appeal will be dismissed with costs. *Signed* Rich. Pye. *Countersigned* T. Powys, Hen. Poley. *Endorsed* as brought in this day.

(*b*) 26 May. Answer of William Wolfe and Elizabeth, his wife. Identical with preceding. *Signed* Will. Woolfe. *Countersigned* Edm. Brydges. *Endorsed* as brought in this day.

1639. May 5. Killiow's Estate Act.—Consent of Sir William Courtney [Courtenay], Sir Thomas Lear [Leere] and Mr. Hugh Fortescue* to the Bill for the speedy payment of the debts of

* These three gentlemen were also trustees for John Clobery, Esq. *See* No. 1475.

1701. — No. 1639. Christopher Killiow and for raising portions for his brothers and sisters. *Dated* 5 March 1701. *Signed* W. Courtenay, Tho. Lear, H. Fortescue, with their Seals affixed. *Attested* Rob. Manley, James Codner, as to Courtenay; William Ash, James Codner, as to Lear; Hen. Scobell, Ja. Courthop, as to Fortescue. [Produced this day before the Select Committee. Com. Book. Consideration of the Bill was postponed, in order that Fortescue's absence from London might be proved. On 7 May *John Asterley* (sworn) said Mr. Fortescue is in Devonshire, that he sends letters to him there every week. Com Book. There were no amendments. The Bill was brought from the Commons on 15 April. Royal Assent 12 June. L. J., XVI. 652, 738. 13 Will. III. c. 20 in Long Cal.]

1640. May 6. Purchase *v.* Wilkinson (V. Hereford's Privilege).—Petition of Samuel Purchase, an orphan of the city of London. Petitioner's father, a freeman of the city, died about 16 years ago, leaving him 190*l.*, which was put out for him on security by the Chamber of the city. Alexander Ewster, the surviving security, paid the interest till his death, as the rest of the securities had died insolvent. Ewster left a great estate. His widow married Mr. John Wilkinson, who enjoys the said estate, but refuses to pay Petitioner either principal or interest, having obtained an injunction, since dissolved, against the Chamberlain of the city. Wilkinson now insists upon a protection under V. Hereford, which the latter refuses to withdraw, although Wilkinson is only a trustee to Ewster's estate as he has married his widow. Wilkinson has a considerable estate in Warwick Court, Holborn, that belonged to Ewster, where he dwells with his family. Prays for relief. *Signed* Samuell Purchas. [The Petition was offered on 29 April. MS. Min. Read this day. *V. Hereford* was heard, and said he [Wilkinson] was his servant, and he hoped he would keep him. MS. Min. 6 May. The Petition was then referred to the Committee for Privileges. L. J., XVI. 664, 669. On 15 May, at the Committee for Privileges, *Mr. Williams* opened the case for Petitioner. He said: By an Order of this House a Peer, if he be a trustee, has not Privilege. Our suit is against him as a testator [trustee]. The overplus of the estate, after debts paid, belongs only to him. He is a trustee as [and has] to pay the testator's debts. The privilege Wilkinson has in his own right will not protect as to the right he has for another. *Mr. Phipps*, for Wilkinson: The party who is bound in a bond cannot be a trustee, much less can his executor. If it be not a trust in the original creation, it cannot be so by any accident that follows afterwards. *Mr. Mallet*, for the same: The Chamber of the city of London is the proper trustee to the Petitioner. The Petitioner is the debtor. [*Counsel for Petitioner*]: Wilkinson is a trustee is [as] he is executor to Ewster. The law creates the trust. *Mr. Justice Powys* and *Mr. Justice Gold*, being present, are asked, whether an executor is not properly a trustee unless the Will of the testator has made him so, but as an executor at large? [*Mr. Justice Powys*] *Quatenus* an executor, we look not on him as a trustee. *Mr. Justice Gold:* I am of the same mind. An executor comes in the place of the testator. If a testator apply a particular estate to a particular use, then the executor is a trustee. *Ordered* to report that Wilkinson is no trustee and ought to be allowed Privilege. Priv. Book 15 May. L. J., XVI. 684–5. The Petition was thereupon dismissed.]

Annexed:—

(*a*) 15 May. The case of John Wilkinson, Gentleman of the Horse to V. Hereford, and who was also the same to the late Viscount

till his death. Petitioner's father, a citizen and upholsterer of London, left a widow, who soon after married one Lane, a fishmonger. Alexander Ewster and one Biggs became bound, together with Lane, to the Chamber of London that the orphan's estate should not be embezzled. In 1683 Ewster, unwilling to be bound any longer, applied to the Chamber to be discharged, and Mr. Gibson, the clerk of the orphans, sent to Lane to tell him so, and a fresh recognizance, vacating the former one, was taken, and Ewster was discharged, Lane paying the fees. Ewster had counter security of Lane, but on Gibson's certificate of discharge, delivered it up. Several years ago the Chamber put the new recognizance in suit, but the new recognizors proving insolvent, now wish to sue Wilkinson, who married Ewster's widow and executrix, and who did not think himself liable for the long vacated recognizance. All assets were exhausted in paying Ewster's debts, legacies and children's portions. Neither Ewster nor Wilkinson ever had one farthing of the orphan's estate, which was spent by his mother and Lane. The Chamber is trustee for the orphans. Ewster, if now alive, would not have been in the position of trustee for the orphan, but only of surety for Lane. Wilkinson, who stands in Ewster's place, cannot be called a trustee for the orphan. *Endorsed* as to be heard this day before the Committee for Privileges.

1641. May 9. Heron *v.* Sir Arthur Shaen.—Petition of Mary Heron. Sir Arthur Shaen, Bart., for his own debt and that of Sir James, his late father, contracted in England, owes Petitioner and her late brother, Samuel Heron, merchant, over 20,000*l.*, and has received from his father enough to pay all his debts. Hearing that he was in England, she filed her Bill in Chancery and obtained a ne exeat regno against him, and got him arrested; but on ascertaining that he was protected by having an Appeal from Ireland pending in this House, she discharged him an hour after*. Though his Appeal was heard on the 28th of last month, he insists that he is still under the protection of this House. Petitioner's totum is in his hands, and she is in danger of losing it, if she has to prosecute in Ireland, whither he is again returning. Prays for leave to prosecute Sir Arthur upon the ne exeat regno. *Signed* Mary Heron. L. J., XVI. 676, 680.

1642. May 9. Earl of Orford's Impeachment.—Articles of Impeachment against Edward, Earl of Orford, exhibited by the Commons for high crimes and misdemeanors. Brought up from the Commons and read this day. L. J., XVI. 672–674. *In extenso. Parchment Collection. See* No. 1615.

1643. May 9. Recovery of Debts (Privilege) Bill.—Draft of an Act for the greater ease of the subjects in recovering their just debts. For the better security of the estates and fortunes of all the people of England, and that the due course of law may not be obstructed by those grievous delays his Majesty's subjects may receive in any of his Courts of Law or Equity, and for their ease in the recovery of their just rights, Be it enacted by, &c., That from and after the day of any person or persons shall and may commence and prosecute any action or suit in any of his Majesty's Courts of Record or High Court of Chancery or other Court of Equity against any Peer

* *See* No. 1536.

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of this Realm or Lord of Parliament, or against any of the knights, citizens and burgesses of the House of Commons for the time being, or against their or any of their menial or other servants, or against any assistant or attendant of either House of Parliament at any time when the two Houses of Parliament are not actually sitting; and that the said respective Courts shall and may proceed to give judgment and award execution thereupon, any Privilege of Parliament to the contrary notwithstanding. Provided nevertheless that this Act shall not extend to take away the Privilege of any peer of this Realm or lord of Parliament or of any of the knights, citizens and burgesses of the House of Commons as to their persons at any time whatsoever. Nevertheless, if any person or persons having cause of action against any peer of this Realm or lord of Parliament, or against any of the said knights, citizens or burgesses, or against any of the assistants or attendants of either House of Parliament during the time of Privilege after any Prorogation or before any Sessions of Parliament, such person or persons shall and may prosecute such peer of this Realm or lord of Parliament, or knights, citizens or burgesses, or the assistants or attendants of either House of Parliament during such Privilege by summons and distress [infinite]* or by original bill and summons. attachment and distress [infinite]* thereupon to be issued out of any of the said Courts of Record, which the said respective Courts are hereby empowered to issue against them or any of them, until he or they shall enter a common appearance or file common bail to the plaintiff's action, according to the course of every respective Court. And be it enacted by the authority aforesaid that where any plaintiff shall, by reason or occasion of the actual sitting of Parliament, be stayed or prevented from prosecuting any suit by him commenced, such plaintiff shall not be non prossed for want of prosecution of the suit by him begun, but shall, from time to time, upon the rising of the Parliament, be at liberty to proceed to judgment. [Read 1ª this day, and 2ª and committed to C. W. H. on 13 May. L. J., XVI. 671, 680. The Bill was dropped in favour of a Bill for the same purpose, which was sent up from the Commons. *See* No. 1650.]

1644. May 13. Deal (Fresh Water) Act.†—Petition of William Warner, Gent. About two years since Petitioner obtained from Thomas, Archbishop of Canterbury, who is lord of the soil, a grant to furnish the town and port of Deal with fresh water, and he has also taken a lease from the corporation and others for 99 years for that undertaking, at 22*l.* yearly rent, and has already spent over 1,600*l.* upon the work, which is nearly finished. But William Rider, Esq., under pretence of a Patent from James II. of about 13 years standing, now pretends to a right to the same, though nothing passed by the said Patent, and he never laid out one penny on the waterworks. Prays to be heard against the Bill, now depending, to enable Rider to bring fresh water to Deal. *Signed* Wm. Warner. [Read this day, and Warner to be heard by Counsel before the Second Reading. L. J., XVI. 680. The Bill was brought from the Commons on 10 May. *Ib.* 677. On 21 May, Counsel were heard on above Petition. *Mr. Serjt. Hooke*, for the Petitioner: The Petitioner applied to the Archbishop to carry the water over his manor. The latter was satisfied, and granted a licence. He had a grant also from Deal, after they were incorporated. He has laid out 1,600*l.* He has agreed with his Majesty's Geographer to

* Expunged

† *See* House of Lords MSS., Vol. III. (New Series), No. 1415.

1701. — No. 1644.

perfect this work. *Mr. John Peir Williams*, for the same: This is a probing patent, and ought not to be allowed. The grant and lease read, and several witnesses heard. *Mr. Serjeant Selby*, for the Bill: This is a public good. What we do is no obstruction to Mr. Warner. *Mr. Phipps*, for the Bill: Mr. Rider is a purchaser for 2,500*l.*, and has no security but this Patent. The Patent read. *The Archbishop of Canterbury* heard. Articles of agreement read: We have expended 2,500*l.* for this good work. A bond read. Mr. Rider's agreement to bring the water read, as also a certificate from the townsmen of the goodness of the water and fitness to serve the Fleet. After Counsel withdrew, the *Abp. of Canterbury* was heard as to the Patent: This was got when the Bishops were in the Tower, and Archbishop Sancroft opposed it as much as he could. I have done the same. It has cost us near 700*l.* I have never opposed the water being brought to the town. I desire the Patent may be damned, if that's a good word. After debate, *Proposed* to read the Bill. *On Question* for the Second Reading? *Resolved* in the affirmative. Contents 39, Not Contents 31: Tellers, E. Sandwich, E. Stamford. Bill then read 2ª and committed to C. W. H. MS. Min. 21 May. L. J., XVI. 697. On 30 May, in C. W. H., L. Jeffreys in the Chair, a letter to E. Romney from Deal, and a Petition from the town of Deal were read (Annexes (*b*) and (*c*)). *Ordered* to hear the town of Deal before the Report. The preamble was struck out. MS. Min. L. J., XVI. 713. On 4 June, Counsel were called in, and *Counsel for Deal* were asked who retained them from the town of Deal? They say one Mr. Weale retained them. *Mr. Weale* was asked, by what order he retained the Counsel? Counsel withdrew. After debate upon the mayor's consent or not, *Agreed* to call in the Counsel. *Mr. Serjeant Hooke* was heard for the town. Their petition and a representation of Deal to E. Romney were read. They have made Mr. Warner a lease. *Mr. John Peir Williams* heard for the town of Deal. *Henry Jackson* (sworn). A bond of Warner to Mr. Bremer read, dated 3 June 1701. *Mr. Serjeant Selby*, for the Bill: They have said but little that wants answering. *Mr. Phipps*, for the Bill: It is hard to distinguish the town from Mr. Warner. Counsel withdrew. The Bill was reported with amendments and read 3ª. *Moved* to reject the Bill. *On Question*, Whether the Bill shall pass? *Resolved* in the affirmative. Contents 39, Not Contents 13: Tellers, L. Jeffreys, L. Mohun. MS. Min. Royal Assent on 12 June. L. J., XVI. 722. 13 Will. III. c. 22 in Long Cal.]

Annexed:—

(*a*) 19 May. Further Petition of William Warner for a postponement of the Hearing, as Mr. Thomas Tuttell, engineer, one of his principal witnesses, is out of town for service of his Majesty and the public, and some other material witnesses from Deal cannot be in town in time for the Hearing appointed on the 19th. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* to be heard Wednesday next. L. J., XVI. 695.

(*b*) 30 May. Petition of the Mayor, Jurats and inhabitants of the town of Deal. Mr. William Warner has begun a work for supplying the town with fresh water from the river called the Pinnock Wall or South Stream, and taken leases from the corporation and spent money for that purpose; and he has given security to finish the work in three months. Pray to be heard by Counsel against the Bill of Mr. Rider, who has spent no money in waterworks and has not obliged himself to pay any

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rent to the town. *Signed* Job Bowles, Mayor, Henry Gerard, Rector, and by 53 other persons. *Endorsed* Received from L. Mar. Normanby 26 May 1701. Read in C. W. H. 30 May, and in the House on 4 June. [*See* Notes above.]

(*c*) 30 May. Letter from Deal, addressed, On his Majesty's Service, to Rt. Honble. Henry, E. Romney, at his house at St. James's, acknowledging his kind letter of 21st inst. "This "place never was served with any other fresh water than from "wells in and near the town, which being observed about "14 years ago, some persons were here who viewed two streams "or little rivers of good fresh water. One goes by the name of "the South Stream, one mile and a half from the town. The "other, called the North Stream, about three-quarters of a mile "distant from hence. Those persons did pretend they would "bring the fresh water from the North Stream to Deal. For "encouragement, some inhabitants signed a writing what sum "annually they would pay for being furnished with water from "the North Stream; and, as we are informed, one Mr. Rider is "concerned in a Patent for that purpose. But for 12 years "after Mr. Rider nor any concerned in the said Patent, (that "we know of), has conferred with us or any of our inhabitants "nor given us any satisfaction or reason of the cause of so long "delay, whereby they concluded he had no further intention or "design to erect any manner of waterworks to supply navigation "and this place, nor have we since heard of the said Mr. Rider "until two years ago; before which time one Mr. William "Warner came here, (who was encouraged by many of the "inhabitants), to undertake the bringing water to this place, "which he promised to do in pipes from the South Stream. "The said Warner about two years past began a work, first by "making a well about 400 yards from the town, (as he calls a "receptacle), to hold a quantity of water, which he promises "shall correspond by wood pipes from the South Stream, *alias* "Pinnock Wall, to the well, and from thence to be conveyed by "other wood pipes to a cistern, intended to be in the middle of "the town for the general supply. He has been at considerable "expense and made a great progress therein, and has taken "divers leases of grounds for that purpose at annual rents, and "made a beginning of building thereon, with a design, as he "informs us, to bring the fresh water in pipes from the "South Stream to this town in three or six months. By "the situation of the place the Downs is become one of "the greatest ship roads in the world, and as navigation "of England may increase and the consideration that for "shipping fresh water is the greatest part of provisions they "carry to sea, its goodness on all voyages as well as at home "does much contribute to the health of the people. And to "have at this place a full supply of fresh water from either of "the before mentioned streams will be of mighty use and great "accommodation to the subjects, they being both of equal "goodness." Pray his Lordship that whoever has the preference may be obliged to erect three conduits in such places as the Mayor and Jurats shall think fit. *Dated* Deal, 22 May 1701. *Signed* by the Mayor and eleven others. *Endorsed* as received from E. Romney 26 May, and read in C. W. H. 30 May and in the House 4 May [June] 1701. All the signatories except one appear as signing the preceding Petition.

1645. 13 May. Naturalization (Bagneol, &c.) Act.—Amended Draft of an Act for naturalizing Peter Bagneol, Daniel Sinault and others The persons included in the Draft end with Francis Martin, who had been struck out of Delagarde's Act (No. **1505**), by the Commons; those added by the Select Committee are Peter Labilliere to Lovis Pelislier [Pelissier] inclusive, who appear in this Act, together with Peter Dupuy, son of John Dupuy and Priscilla, his wife, born at Damazan, in Guienne, in France, and Thomas St. Leger de Bacalon, son of Esteven de Bacalon and Mary, his wife, born at St. Leger, in Guienne, in France, neither of whom, however, appear in this Act, though both were naturalized later, the former in Benovad's Act (No. **1751**) and the latter in De Bacalon's Act (No. **1730**.)* The rest were added by the Commons. C. J., XIII. 636. [Read 1ª this day. Royal Assent 24 June. L. J., XVI. 680, 769. 13 Will. III. c. 48 in Long Cal. *See also* Com. Book 19 May.]

Annexed:—

(*a*) 10 May. Petition of Lieut. Peter Bagneol and thirteen other officers belonging to Col. Foxe's Regiment of Foot, lately disbanded in the West Indies. Petitioners, being French Protestants, were forced on account of their religion out of their native country. They have served during all the late war in the said Regiment, on all occasions venturing their lives for the preservation of the Protestant religion and the good of England. Pray for leave to bring in a Bill to naturalize them. *Signed* Peter Bagneol, Daniel Sinault, Adr. Van Alphen, Rene Digoine, Isaac Drouart, Isaac Duplex, John Maret, Elias Tessier, Mathieu Hullin, John Farcy, John Darquier, Francis Courrand, Peter Mergarett [Margaret] and Robert Myré [Myre in Act]. *Endorsed* as read this day and leave given as desired. L. J., XVI. 677. The Petitioners were all included in the Draft Bill. Their Certificates were produced and proved before the Select Committee on 19 May. Com. Book. They were all naturalized by this Act. For Certificates *see* Annex (*c*).

(*b*) 15 May. Petition of Thomas St. Leger de Bacalan and seven other reformed officers and soldiers. They are French Protestants, and forced out of their native country on account of their religion. They have served in the English army during all the late war, venturing their lives for the Protestant religion and the Kingdom. To the end they may be qualified for the service at this juncture, they pray to be added to the pending Naturalization Bill. *Signed* Thomas St. Leger de Bacalan, Peter de Bruse, Louis Pelissier, Isaac de Bruse, Peter de Labilliere, Charles le fanu De Cresserons, John de la Valade [Valide], Peter Dupuy. *Endorsed* as read this day. L. J., XVI. 685. Petitioners, except De la Valide, who does not appear in any of these Naturalization Acts and who did not produce any Certificate, were all added to the Bill by the Select Committee on 19 May, when their Certificates, except that of Isaac de Bruse, an infant, were produced and proved. Com. Book. They were all naturalized by this Act, except De Bacalan and Dupuy, who were naturalized later (*see* first paper).

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* Dupuy and de Bacalon were probably struck out of the Bill by the Commons, although there is no mention of the fact in C. J.

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(c) 19 May / 18 June. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz :—

(1) Peter Bagneol, on 4 May 1701, at the Parish Church of St. Martin's Westminster. *Signed* Tho. Yates, Minister, Will. Howard, Churchwarden. *Dated* eod. die. *Attested* by Daniel Sinault and Isaac Drouart.

(2) Daniel Sinault. *Attested* by Isaac Drouart and Peter Bagneol. Rest as in (1).

(3) René Digoine. *Attested* by John Maret and Isaac Duplex. Rest as in (1).

(4) Isaac Drouart. *Attested* by Daniel Sinault and Peter Bagneol. Rest as in (1).

(5) Isaac Duplex. *Attested* by René Digoine and John Maret. Rest as in (1).

(6) Adrian Van Alfen, on 27 April 1701. *Attested* by Eliezer Minte and Francis Claris. Rest as in (1).

(7) John Maret. *Attested* by René Digoine and Isaac Duplex. Rest as in (1).

(8) Elias Tessier, on 11 May 1701. *Signed* Tho. Yates, Minister, Isa. Godfrey, Churchwarden. *Attested* by Lewis Galand and Francis Courrand. Rest as in (1).

(9) Robert Myre. *Attested* by Elias Tessier and Caesar Duportail. Rest as in (8).

(10) John Darquier, on 20 April 1701, at the Royal Chapel at the Savoy. *Signed* John Dubourdieu [Dubordieu], Minister, John Deffray, D. Pringle, Churchwardens. *Dated* eod. die. *Attested* by Peter Margareett and John Lewis Gidoin.

(11) Peter Margareett [Margaret in Act]. *Attested* by John Darquier and John Lewis Gidoin. Rest as in (10).

(12) Matthew Hullin. *Attested* by John Farcy and Mark Anthony Vaissière. Rest as in (6).

(13) John Farcy. *Attested* by Matthew Hullin and Mark Anthony Vaissière. Rest as in (6).

(14) Francis Courrand. *Attested* by Lewis Galand and Elias Tessier. Rest as in (8).

(15) Francis Martin, on 18 May 1701. *Attested* by William Hawkins and Jeremiah Crowther. Rest as in (8).

[The above persons were included in the Bill as originally introduced. The numbers in brackets refer to the number endorsed on each Certificate.]

(16) Peter Dupuy. *Attested* by Charles le fanu Decresserons and Lewis Pelissier. Rest as in (10).

(17) Peter la Billiere [De Labilliere in Act]. *Attested* by Peter Bruse and Thomas St. Leger de Bacalan. Rest as in (10).

(18) Charles le fanu de Cresserons. *Attested* by Peter Dupuy and Lewis Pelissier. Rest as in (10).

(19) Thomas St. Leger de Bacalan. *Attested* by Peter de Bruse and Peter Labillière [la Billière]. Rest as in (10).

(20) Peter Bruse [de Bruse in Act]. *Attested* by Thomas St. Leger de Bacalan and Peter de Labillière. Rest as in (10).

(21) [Isaac de Bruse, an infant, son of Peter de Bruse. No Certificate.]

(22) Lewis Pelissier [Lovis Pelislier in Act]. *Attested* by Charles le fanu de Cresserons and Peter Dupuy. Rest as in (10).

[The above persons were added to the Bill by the Select Committee on 19 May. The numbers in brackets refer to the number endorsed on each Certificate. All these Certificates (1)–(22) were produced and proved before the Select Committee. Com. Book.]

James Perot. *Attested* by Stephen St. Paul and Louis Fouronce. Rest as in (15).

Henry Gardie, on 1 June 1701. *Attested* by Jean Housset and William Gray. Rest as in (8).

Michael De la Roche [La Roche in Act], on 25 May 1701. *Attested* by John Simon Delaheuze, John Rabaud and D. Moreau. Rest as in (8).

John Dalmas. *Attested* by Peter Bagneol and Isaac Drouart. Rest as in (1).

Eloy Demoriame Fontainne, on 4 May 1701. *Signed* Israel Antony Aufrere, Minister, John Deffray, D. Pringle, Churchwardens. *Attested* by Benjamin Duroy, Peter Malié and Benjamin Malide. Rest as in (10).

Peter Malié. *Attested* by Eloy de Moriame Fontainne, Benjamin Duroy and Benjamin Malide.

[The above persons were added by the Commons to the Bill which they returned on 18 June. L. J., XVI. 757. *See* C. J., XIII. 636.

(*d*) 19 May. Paper of amendments made in the Select Committee this day. Com. Book.

1646. May 14. Wentworth *v.* Lord Raby.—Petition and Appeal of the Honble. Thomas Wentworth, Esq. In 20 Jac. I. Appellant's grandfather, Thomas, Earl of Strafford, granted to his two brothers, William and John Wentworth, a rent of 270*l.* a year. After redemption of 100*l.* for 1,000*l.*, the remaining 170*l.*, upon the death of the two brothers, came to William's son, Sir William Wentworth, father of the Respondents Thomas, Lord Raby, Mrs. Anne Wentworth and others. After Earl Thomas's death, his sons, William, Earl of Strafford, made Sir William, in conjunction with Dr. Hall, one of his commissioners, (for the setting and letting only), of his Irish estate, for three years at a salary of 200*l.*, and during that time and at other times Sir William received large sums from the Earl's tenants of which the Earl knew nothing, pretending to lend them, and got the Earl to execute eleven deeds making him a debtor in 11,662*l.* to Sir William, and another mortgage to him for 12,000*l.* All the time he was receiving bounty from the Earl for the supply of his pretended necessities. The Earl called Sir William to account, and the latter gave Dr. Hall an account, from which it appeared that no consideration had been given for the 12,000*l.* mortgage, but that it was only a pretence to protect the Earl from an unjust claim of 4,000*l.*; and as to the eleven deeds, it appeared that, though Sir William's claim on account of the 170*l.* rent had been satisfied by the transfer to him of a mortgage on E. Kildare's estate for 700*l.*, claims of pretended arrears on that account, with compound interest at 10 per cent., made up 7,000*l.* of the 11,662*l.* After an attempt at an amicable arrangement, Sir William brought ejectments for the mortgaged lands, the Earl in 1685 exhibited his Bill in Chancery in Ireland to bring him to account,

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and Sir William a Cross Bill for the 11,662*l.* and the 12,000*l.* After hearings before Lord Chancellors Fitton and Porter, and Decrees thereon, and after many hearings before Lord Chancellor Methwin, and references to Masters Sir John Topham, Sir John Coghill, Dr. Mullineax and Mr. Usher, in the course of which proceedings the Earl and Sir William died, the Cause was revived by Appellant as executor to his uncle, the Earl, against the present Respondents. Lord Chancellor Methwin pronounced five Decrees, on 15 July and 8 and 21 Nov. 1699, and 29 Nov. and 13 Jan. 1700–1, against which, as well as against an Order of the Commissioners of the Great Seal, of 21 Feb. 1700–1, and the several Masters' reports thereon, Petitioner appeals in so far as they (1) restrict him from ravelling into the considerations of the deeds and mortgages, (2) direct the payment of interest upon interest, which Sir William had disclaimed in his letters, (3) disallow two sums of 20*l.* and 249*l.*, (4) direct the payment of the rents into Court, and (5) excuse Respondents from accounting for the money received by Sir William from the times of the receipt thereof; and prays for stay of proceedings below. *Signed* Th. Wentworth. *Countersigned* Hen. Poley, R. Freeman. L. J., XVI. 684. [The Appeal was heard in part on 28 Feb. 1701–2, when *Sir Thomas Powys* and *Mr. Pooley* were heard for the Appellants, and read several documents. Proposed to read a Decree in 1649, which was opposed and desisted from. They read the Answer of Sir William Wentworth, which relates to what Dr. Hall says, he did believe he gave Dr. Hall a schedule thereof. A debate arose between the Counsel, whether Sir Wm. Wentworth's Answer should be read? Counsel withdrew. *Proposed* to be read. *Agreed* that what was read below may be read here. Counsel called in and told so. They read that part of it which was read below. Several other papers, &c., read. They read a receipt for 20*l.* which was proved to be read before a Master. *Mr. Cooper*, for L. Raby: I desire to be heard as to how it stands upon the mortgage deeds. Counsel withdrew upon this account, it being very late. *Proposed* to hear the Cause further on Monday next. *Ordered* accordingly. On 2 March *Sir Thomas Powys* desired to be heard to a sum omitted the last day, and was heard to [it], and they read several things. Then *Mr. Cooper* proceeded for L. Raby: To have what they desire they must stultify the late E. Strafford. They would have it he was imposed on with the eleven deeds successively; and he was to be imposed on in these, and not in his Will, as they say. *Mr. Dobyns*, for the Respondents, after reading several documents: L. Strafford did promise 4,000*l.* per annum to us. They read Thomas Waterhouse to the four interrogatories. *Sir Thomas Powys*, in reply: The whole Cause depends on this, whether this schedule shall be allowed or not, whether this is a true schedule. The Appeal was then dismissed. MS. Min. L. J., XVII. 51, 54.]

Annexed:—

(*a*) 19 Jan. 1701–2. Answer of the Rt. Honble. Thomas, Lord Raby and Anne Wentworth, his sister, to the Appeal of Hon. Thomas Wentworth, *alias* Watson, Esq. The rent of 270*l.* was out of lands in Yorkshire. The arrears arose out of their father's tenderness for the Earl's difficulties. The mortgage on E. Kildare's estate yielded only 567*l.* instead of 700*l.*, and Sir William was a sufferer also by the difference of exchange in payments in England and Ireland. Six of the mortgages, amounting to 7,295*l.*, were given to Sir William before he became commissioner, which he was for 6½ years, at a salary of 300*l.*, well earned, as he improved the Earl's estate at the expense of his own, and sent over 4,000*l.* to the Earl in

England. One of the 11 mortgages was as security for 3,400*l.* for redemption of the rentcharge of 170*l.* Sir William trusted too much to the Earl's honour, and took no vouchers for the money he remitted to him; and he was equally negligent with regard to an arrangement whereby he joined with the Earl in barring the entail of his estate, so that, by selling part thereof, the Earl's necessities might be relieved, in consideration for which the Earl was to settle the remainder for the support of the honour of Raby, which, on failure of the Earl's male issue, would come to Respondents. This the Earl failed to fulfil, to Lord Raby's disherison and great wrong. Sir William's report to Dr. Hall ought not to be of any credit. The Earl was extravagant and was prejudiced against Sir William. The 20*l.* was discounted when Sir William was in England with the Earl, and the 249*l.* was the balance of three accounts between Sir William and Sir Joshua Allen, and had nothing to do with the Earl. The order to pay the rents into Court was because Appellants, by the sale of the woods, were lessening the value of Respondents' security. The order of the Lords Commissioners of 21 Feb 1700–1 was that the money in Sir William's hands during his agency should not bear interest, but that before and after should do so; and the Appeal has suspended the Master's report ordered thereby. Pray it may be dismissed with costs. *Signed* Raby. *Countersigned* James Sloane. *Endorsed* as brought in this day.

1647. May 16. E. Macclesfield's Bill.—Petition of the Rt. Honble. Charles, E. Macclesfield. Charles, the late Earl, together with Petitioner, his eldest son in consideration of a marriage intended between Petitioner and Mrs. Anne Mason, conveyed divers manors and lands to Sir Henry Hobart, Bart., and Richard Mason, Esq., as trustees in April 1683. Both the trustees are dead, Sir Henry being the survivor, and his heir an infant, and no recoveries were ever suffered. The marriage took place, but was dissolved by Act of Parliament, which provided that the settlement should hold good except as to Anne Mason and her issue, who were to be as if they had never been, or were naturally dead.* No recovery can now be had, by reason of the infancy of Sir Henry Hobart, and Petitioner, being about to make a new settlement in consideration of marriage, prays leave to bring in a Bill for that purpose. *Signed* Maclesfeld. L. J., XVI. 687. [The Bill was brought in on 17 May. *Ib.* 688. On 3 June, in Select Committee, E. Stamford in the Chair, Mr. Fitton Gerard's Petition, referred to the Committee, is read. *Mr. Dias*, for Mr. Gerard: The Bill makes E. Macclesfield absolutely tenant in fee simple, so that Mr. Gerard will have no more pretence to the estate settled by his father than if he were a stranger. L. Macclesfield is now only tenant for life, and, if he die without issue male, the estate, as now settled, is in Mr. Gerard, who has also a right to 4,000*l.* which this Bill takes away from him. All the heirs of the late Earl are absolutely cut off by this Bill. *Mr. Price*, for the Earl: There was such a settlement by the late Earl as is said by Mr. Gerard. My Lord can make no settlement while the late Countess of Macclesfield is living. *Mr. Richard Whitworth* (sworn) says he waited, by E. Macclesfield's order, on Mr. Fitton Gerard with two Bills before this Bill was brought in. He showed him the agreement the Lord [Macclesfield] and he had made, and he consented to it. He has

* House of Lords MSS., Vol. III. (New Series), No. 1197.

1701. — No. 1647. heard my Lord say he would do anything for him, and he told Mr. Gerard so. Reads a paper purporting an agreement between them, which Mr. Gerard himself dictated. *Mr. Dias* takes exception to it as not being signed, nor on stamped paper. Besides, this Bill is not in pursuance to this paper agreement. *E. Macclesfield*, being present, says he will proceed no farther on the Bill. *Ordered* to report that it appeared to their Lordships by Mr. Whitworth that Mr. Fitton Gerard had notice of the Bill before it was brought in, notwithstanding his allegation in his Petition to the contrary. Com. Book. This Report does not appear to have been made, and there are no further proceedings recorded.]

1648. May 19. L. Somers's Impeachment.—Articles of Impeachment against John, Lord Somers, exhibited by the Commons for high crimes and misdemeanours. Brought up from the Commons and read this day. L. J., XVI. 689–694. *In extenso. Parchment Collection. See* No. **1615**.

1649. May 20. Yate *v.* Fettiplace.—Petition and Appeal of William Yate, Esq. Sir Rowland Lacey was seised in fee of real property worth 1,200*l.* a year. He mortgaged part of it, the manor of Pudlicott, Oxford, to Henry Heylin for 6,000*l.*, and entailed it on his only son Rowland, and gave a life rent of the rest of his real estate to his lady, Arabella, with remainder to his son. He also had a personal estate of 1,400*l.* In 1690 he made his Will, whereby he devised to his wife and Sir Edmund Fettiplace and Charles Fettiplace certain coppices and leases for lives, to be sold for payment of his debts, and left his daughter, Arabella, a portion of 4,000*l.* if she married with the consent of his widow or the trustees, otherwise only 1,000*l.* He intended expressly to leave his wife his personal estate, but having made her sole executrix, thought it unnecessary. After his death the daughter, Arabella, died at the age of six, and her mother became entitled to a moiety of her portion of 4,000*l.*, as well as the surplus of Sir Rowland's personal estate. Appellant married the mother, who made a Will in his favour, whereby he became entitled to the moiety of the portion and the surplus. For this, as well as for 150*l.* he had paid on account of Sir Rowland's debts, he preferred a Bill in Chancery against the trustees and the infant for the sale of the trust property; they preferred one against him for the personal property in his hands; and Elizabeth Silvester and Edward Keeble, creditors of Sir Rowland, preferred one for payment of their claims out of the real and personal estate. After a hearing before the late Lord Chancellor, Sir John Hoskins, Kt., and Bart., one of the Masters, certified Sir Rowland's debts at his death at 8,671*l.*, the 150*l.* to have been paid by Appellant, the personal estate at 1,200*l.*, of which 387*l.* had been disposed of by the wife, and the rest was in Appellant's hands, the trust estate, available to be sold, at 3,635*l.*, and that the debts then amounted to 7,430*l.* besides interest. After a hearing on 30 Oct. in 11 Will. III., the late Lord Chancellor allowed the Appellant's claim for 1,500*l.*, disallowed that for the surplus of the personal estate, and reserved that for the moiety of the portion. On a rehearing on 31 Jan. the Lord Keeper gave a similar Judgment, and on 14 March decided the reserve point against Appellant. Appeals against these Orders and prays that the trustees, the infant, and the creditors may be ordered to answer. *Signed* Will. Yate. *Countersigned* J. Hooke, W. Barnisley. L. J., XVI. 695. [At the Hearing on 18 June *Mr. Serjeant Hooke* and *Mr. Dobyns* were heard for the Appellant, and *Sir Thomas Powys* and *Mr. Pooley*

for the Respondents. The Appeal was dismissed. MS. Min. L. J., XVI. 757.] 1701.

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Annexed:—

(*a*) 2 June. Answer of Sir Edmund Fettiplace, Bart., Charles Fettiplace, Esq., Rowland Lacey, Esq., an infant, by Sir Edmund, his next friend and guardian, Elizabeth Silvester and Edward Keeble. The Orders appealed from are just Pray the Appeal may be dismissed with costs. *Signed* Phil. Price. *Countersigned*, Hen. Poley, Hen. Collett. *Endorsed* as brought in this day.

(*b*) 4 June. Petition of same. Have put in their Answer, and pray for a short day for the Hearing. *Signed* Phil. Price, pro Respondents. *Endorsed* as read this day. L. J., XVI. 722.

1650. May 20. Privilege Act.—Draft of a Clause added this day by the Lords on Report from C. W. H., which, with the amendments of the Commons, set out in C. J., XIII. 569, and with the addition of the words, against the King's original and immediate debtor, forms Section IV. of the Act for preventing any inconveniencies that may happen by Privilege of Parliament. L. J., XVI. 695. [The Bill was brought from the Commons on 14 May. L. J., XVI. 681.—On 16 May, in C. W. H., V. Longueville in the Chair, the first enacting clause was read. *Proposed* to hear Judges, how they take these words, actually sitting.* 1 Skin, l. 21, leave out from the word, time, to the word, sitting, in l. 22, and read the words, after any prorogation of parliament, or after any adjournment of parliament for more than 14 days; l. 23, after the word, may, add the words, after such prorogation or adjournment as aforesaid. *Proposed* to adjourn this Bill to Monday next, and that the Judges in the meantime consider of the Bill. That the Judges prepare clauses on the debate. C. W. H. adjourned accordingly. On 19 May the House proceeded on the first enacting clause. Some clauses offered as amendments to the Bill taking Ecclesiastical Courts. They were read. 1 Skin, l. 16, after the word, equity, add the words, or in the Court of the Arches, the Prerogative Courts of Canterbury and York, the Court of Admiralty and the Delegates, and all Courts of Appeal; l. 15, after the word, Record, add the words, at Westminster, and instead of the words, other Courts of Equity,† read the words, Court of Exchequer or the Duchy Court of Lancaster; l. 24, instead of the words, orders and decrees, read the words, orders, decrees and sentences. Clause agreed as amended. The next proviso read, for protecting the persons of lords. 1 Skin, l. 28, leave out the words, of any peer of this Realm or lord of Parliament or‡; l. 37, after the word, any, add the word, dissolution; l. 39, leave out the words, such peer of the Realm or lord of Parliament.§ *Agreed to* as amended. The next clause read. The last clause read. Amendment made in 2 Sk., l. 31.‖ A clause drawn by the Judges for the King to have process. The clause read and to be added at the end of the Bill (Section IV.). Another clause agreed (Annex (*a*)). The preamble read. Amendment

* The words were the last of a passage erased in lines 21, 22, between the words, Privilege of Parliament at any time.

† These words stood in the Roll originally after the words, Court of Chancery or.

‡ These words came between the word, person, and the words, of any of the knights, &c., in Section ii, l. 1.

§ After the words, prosecute such, in Section ii, ll. 10, 11.

‖ Addition of the words, dismissed nor his suit discontinued, in Section iii, l. 3,

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made in 1 Sk., l. 1.* The title read. *Agreed to.* *Ordered* that the Report be made to-morrow. MS. Min. The Bill received the Royal Assent on 12 June. L. J., XVI. 738. 12-13 Will. III. c. 3 Fol. Ed.]

Annexed:—

(*a*) 20 May. Draft of a Clause added this day by the Lords, on Report from C. W. H. It forms Section V. of the Act. L. J., XVI. 695.

1651. May 21. Limitation of the Crown, &c., Act.—Draft Clause as follows:—That no King or Queen of England that shall succeed by the the force of this Act shall create or make any Peer of England that does not settle and annex by Act of Parliament to his honour the sum of , not to be alienated or disposed without consent of Parliament. *Endorsed* as offered to be added to the Bill, for the further limitation of the Crown and better securing the rights and liberties of the subject, this day and rejected. [The Bill was brought from the Commons and read 1ª on 14 May. L. J., XVI. 681. On 21 May, in C. W. H., Bishop of Sarum in the Chair, the title and preamble were postponed. The first enacting clause read. *Proposed* to report, as the opinion of the Committee, that the Heralds attend. The *Question* was put, Whether this clause shall stand part of the Bill? *Resolved* in the affirmative. The first enacting clause was read. *Agreed to.* The second clause to the ninth clause inclusive read. *Agreed to.* Tenth clause read, concerning the laws for securing Religion ratified and confirmed. *Agreed to.* Then the above clause was offered to be added to the Bill, concerning Peers being made without a settlement by Parliament. The clause was read. The *Question* put, Whether the clause now offered shall be read second time? *Resolved* in the negative. A clause offered that no woman be created a Peeress in her own right (Annex (*a*)). Read. The *Question* was put, Whether this clause shall be read second time? *Resolved* in the negative. The preamble and title were then read. *Agreed to.* The Bill was reported without amendment. MS. Min. L. J., XVI. 697. Royal Assent on 12 June. *Ib.* 738. 12 & 13 Will III. c. 2 Fol. Ed.]

Annexed:—

(*a*) 21 May. Draft Proviso as follows:—Provided also that no woman whatsoever be created a Peeress of this Realm in her own right. *Noted* Rejected. [Offered this day in C. W. H. and rejected. *See* Notes above. MS. Min.]

1652. May 22. Davison's Estate Act.—Consent of William Pennyman and William Lambton, the executors, Alexander Davison, Thomas Davison, Margaret Davison, William Davison, Joseph Davison and James Davison, the children, and John Crosby, as guardian for the last three, and William Wilkinson, to the Bill. William Davison, of Durham, Esq., left by his Will to his younger sons Alexander, Thomas, Charles, William and Joseph 400*l.* each, and to his only daughter 500*l.* on their attaining the age of 21, or, in the case of Margaret, on her marriage, and 20*l.* a year in the meantime to be raised out of the profits of a twelfth of the Stella Grand Lease Colliery, at Ryton and Kyefield, and on Elvet House, near Durham. On his death, his eldest son Ralph who succeeded to his property, finding that the profits would not suffice, as the colliery was hazardous to work and worth little, and the letting value of the house was 14*l.* a year, made a Will giving the

* Substitution of the words, the King or his, for other words.

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same portion to James, the youngest son, not provided for by his father's Will, and leaving an additional 500*l.* to his sister. He entailed the property on his brothers and their issue male, Pennyman and Lambton being named executors to raise out of the whole property the necessary funds for paying Ralph's debts and the legacies, and for that purpose to sell premises at Thornly, which had been mortgaged to Arthur Prescott, who had transferred his mortgage to William Wilkinson, of Durham. Ralph died in 1699, after having paid Charles his portion. Alexander is married and his wife is likely to live. Thomas, the third son, is to receive 200*l.* more for consenting to the sale of Thornly. An agreement was entered into for this purpose, which cannot be carried out without an Act of Parliament. *Dated* 1 Feb. 1700–1. *Signed* by all the consenting parties. *Attested* Tho. Conyers, Ro. Hilton, Matt. Henderson. [Produced this day before the Select Committee, and proved by Conyers, Hilton, Henderson and Lambton. Com. Book. The Bill was brought from the Commons on 25 April. Royal Assent on 12 June. L. J., XVI. 660, 739. 13 Will. III. c. 24 in Long Cal.]

1653. May 23. Glover *v.* Seignoret.—Petition and Appeal of Gabriel Glover, of London, merchant. In December 1696, Petitioner contracted to sell Mr. Nathaniel Herne, of London, merchant, 1,000*l.* capital stock of the Bank of England for 830*l.* in Bank bills, then worth 700*l.* in ready money. For that purpose he bought the stock from one Stephen Seignoret, of London, merchant, for 600*l.*, under a written agreement in Feb. 1696–7 to transfer the same amount of stock to Seignoret, if required to do so within six months, after which time Petitioner might, on giving ten days' notice, transfer the stock for 600*l.* and in addition whatever sums he had paid to the Bank, but deducting the dividends he had received. Soon afterwards the Brokers' Act* was passed, which rendered void all contracts for transfers, except such as were to be performed within three days. While the Bill was pending, Petitioner informed Seignoret that, if passed, it would make their contract void, and that he was ready to make the transfer for 600*l.*; but Seignoret refused, claiming the right to do so during the six months. After the Act was passed, Seignoret exhibited his Bill in Chancery to compel the transfer of the stock and dividends. On 30 Nov. last the Lord Keeper decreed the performance of the agreement, and it was referred to Dr. Edisbury, one of the Masters, to ascertain what Petitioner had paid the Bank and what dividends he had received. Appeals against the Decree, as the agreement was made void by the Act, and, if not, Chancery should have left Seignoret to his remedy at common law. Petitioner also should have received interest for his 600*l.* Prays for stay of proceedings below. *Signed* Gabriel Glover. *Countersigned* E. Jennings, Ber. Ellis. L. J., XVI. 699. [At the Hearing on 20 June, *Mr. Cooper* and *Mr. Dodd* were heard for the Appellant, and *Sir Thomas Powys* and *Mr. Pooley* for the Repondent. The Appeal was dismissed with 20*l.* costs. MS. Min. L. J., XVI. 762.]

Annexed:—

(*a*) 30 May. Answer of Stephen Seignoret, of London, merchant. Appellant came to him at the Orphans' Fund, and borrowed the stock, leaving 600*l.* cash as security. He never offered to make the transfer back to Respondent, who thereupon served a note

* 8 and 9 Will. 3, c. 32 Fol. Ed.

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upon him at his dwelling in Cornhill, calling upon him to make it. The agreement to transfer the stock to Herne was made with Peter Movillion, merchant, not with Appellant. Sir Nathan. Wright, Knt., the Lord Keeper, found that this was a mere loan, and did not fall under the Act. Appellant was so much pleased with the transaction that he wished to repeat it. Nothing was said about interest in the agreement. Prays the Appeal may be dismissed with costs. *Signed* Stephen Seignoret. *Countersigned* Nicho. Hardinge, Jun. *Endorsed* as brought in this day.

1654. May 24. Edwards's [Edwarde's] Decree Confirmation Bill.—Commons' Engrossment of an Act for confirming a Decree made in Chancery between John Edwards, Gentleman, Complainant, and Sir Francis Charlton, Bart., and others, Defendants. Recites the Will of Alice Bromwich, the purchase of the estate of Worswall, in Cheshire, (omitting the details of the property), and the subsequent indentures sextipartite, quinquepartite, and quadrupartite. The Bill then goes on to recite that, by reason of the precedency of the sextipartite deed, Edwards, who had advanced money to one of the Defendants, could not sell the premises. He therefore, brought his Bill in Chancery against Charlton and the other parties to the indenture, and obtained a Decree from the Master of the Rolls, on 24 Feb. in 11 Will. 3, for the sale of the premises, to be approved by Master Pitt, for payment of the 450*l.*, the disbursements he had made, and the costs of the suit, the residue to be applied as directed by the Will. By reason of the infancy of the residuary legatees, the sale cannot take place without an Act of Parliament. The Bill, therefore, enacts that the Decree be establised, ratified and confirmed and be obliging and conclusive to all parties concerned. Then follows the general saving clause. *Parchment Collection.* [Brought from the Commons, read 1ª and rejected this day. MS. Min. L. J., XVI. 706. *See* No. 1725.]

1655. May 24. Naturalization (Cordoso, &c.) Act.—Amended Draft of an Act for naturalizing Gasper Cordoso, Herman Van't Wedde and others. The Draft includes only the two above-named persons. The Select Committee on 2 June added the names, as they appear in the Act, from Sbuelen to Zimmerman, *alias* Carpenter, inclusive. The remaining persons in the Act were added by the Commons. C. J., XIII. 630. [Read 1ª this day. Royal Assent 24 June. L. J., XVI. 700, 769. 13 Will. III. c. 49 in Long Cal. *See* Com. Book 2 June.]

Annexed:—

(*a*) 23 May. Petition of Gasper Cardoso and Herman Van't Wedde, Protestants and considerable traders, who have brought their effects into this Kingdom in order for their continual residing here. Have testified their loyalty to the King and Kingdom, and pray leave to bring in a Bill to naturalize them. *Signed* by Petitioners. *Endorsed* as read this day. L. J., XVI. 699. Petitioners were the two included in the Draft Bill. Their certificates were produced and proved before the Select Committee on 2 June. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*e*).

(*b*) 27 May. Petition of Michell Verelst. The Petitioner is a Protestant, and has testified his loyalty to the King and the good of this Kingdom. Has married an Englishwoman and resided

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here for several years with his family. Prays to be naturalized. *Signed* Michell Verelst. The Petition is also signed by John Carpenter whose name and signature appear to have been added in another hand. *Endorsed* as read this day. L. J., XVI. 708. Petitioners were added to the Bill by the Select Committee on 2 June, the latter as John Christian Zimmerman, *alias* Carpenter, when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*e*).

(*c*) 27 May. Petition of Peter Masson, a French Protestant, who was forced out of his native country on account of his religion, whereupon he took sanctuary in this Kingdom, where he has lived near 20 years and desires to spend the remainder of his days. Has always expressed his zeal for the Protestant religion and the good of this Kingdom. Prays to be added to the pending Naturalization Bill. *Unsigned. Endorsed* as read this day. L. J., XVI. 708. Petitioner was added to the Bill by the Select Committee on 2 June, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*e*).

(*d*) 2 June. Papers of Amendments made in the Select Committee this day. Com. Book.

(*e*) $\frac{2}{14}$ June. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz. :—

(1) Gasper Cardoso [Cordoso in Act], on 11 May 1701, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, Isa. Godfrey, Churchwarden. *Dated* eod. die. *Attested* by Simon Francia and Jeremiah Crowther.

(2) Herman van't Wedde, on 11 May 1701, at the Parish Church of St. Peter's, Cornhill. *Signed* Will. Beveridge, Minister, Ralph Palmer, Churchwarden. *Dated* eod. die. *Attested* by John Gentrey and Robert Calcott.

[The above two persons were included in the Draft Bill. The numbers in brackets refer to the number endorsed on each Certificate.]

(5) Jacob Frederic Jordis* and John Baptiste Mayer [Mayers in Act], on 25 May. Rest as in (2).

(7) Peter Mason [Masson in Act], on 18 May. *Attested* by Roger Worrall and Jeremiah Crowther. Rest as in (1).

(8) Michael Verelst. *Attested* by Paul Margarett and John de Ligonier. Rest as in (7).

(9) John Christian Zimmermann, *alias* Carpenter, on 30 March. Rest as in (2).

Certificates that the following persons received the Sacrament, according to the usage of the Protestant Church, viz. :—

(3) Gerard Sbuclen [S. Buclen in Act], from Hamburg, on 28 May 1701, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* eod. die. *Attested* by August Sigismond Jonas and Philip Sklagmann.

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* The name of Jordis does not appear in the Act.

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(4) John Peter Hanker, from Hamburg, on 4 May 1701. *Dated* 21 May. *Attested* by Jno. William Lutkens and Philip Sklagmann. Rest as in (3).

(6) John Backoffer, from Nuremburg. Rest as in (3).

[The above persons were added to the Bill by the Select Committee on 2 June. The numbers in brackets refer to the number endorsed on each Certificate. The Certificates were produced and proved before the Select Committee. Com. Book.]

Certificates that the following persons received the Sacrament, according to the usage of the Church of England, viz.:—

John Bowmer, Gent., on 1 June 1701, at the Parish Church of St. Margaret's, Westminster. *Signed* Robt. Dobyns, Minister, Thomas Blysett, Churchwarden. *Dated* eod. die. *Attested* by William Canninge and Henry Roberts.

Michael Bowmer, on 25 May 1701. *Attested* by Arnold Bush and James Trellebois. Rest as in (1).

Gedeon Leglise [Gideon Leglize in Act], on 25 May 1701, at the Royal Chapel of the Savoy. *Signed* J. Dubourdieu, Minister, John Deffray and D. Pringle, Churchwardens. *Dated* eod. die. *Attested* by Gidion Benoist and Matthew Bertin.

[The above persons were added by the Commons to the Bill which they returned on 14 June. MS. Min. No entry in L. J. *See* C. J., XIII. 630.]

1656. May 26. Kelly *v.* Navy Victuallers.—Petition of John Kelly, late supervisor of the bread in the Victualling [Department]. Petitioner made divers discoveries of bread used in the Navy made of undue mixtures, such as pease, rye, horsebeans, &c., which practice has been and is still used in the Navy, to loss of several thousands of sailors destroyed by such mixtures. Petitioner has used all ways possible to do the nation and sailors justice in this point, but without success. Prays the House to hear the matter of fact, which he is ready to prove. *Signed* John Kelly. [Read this day. *Ordered* that the Victuallers of the Navy be heard on 4 June. L. J., XVI. 707. On 3 June Richard Terlesse, Junior, Gent., and Henry Goodwin, baker, were ordered to attend. *Ib.*, 720. On 4 June the Victuallers of the Navy were called in. *Mr. Manne:* This charge has been two years standing. I had leave to prosecute this man. I have judgment against him. It was twice heard before the Navy Commissioners. We have a verdict against him, and he is escaped. I hope I shall have liberty to prosecute him to vindicate myself. The Petition was then rejected. MS. Min. L. J., XVI. 722.]

1657. May 26. Viscountess Cashell's Estate Act.—Lord Bulkeley's Consent, in consideration of 72*l.* agreed to be paid to him by John Meyricke, Esq., one of the trustees of the Lady Bulkeley,* in satisfaction of all demands, to the Bill to enable the Rt. Honble. Elizabeth, Lady Bulkeley to sell certain lands, in the county of Devon and city and county of the city of Exon, for the payment of debts. *Dated* 31 March 1701. *Signed* Bulkeley. *Witnessed* J. Vaughan, Rich. Vaughan. [Produced and proved before the Select Committee this day. Com. Book 26 May. The Bill was brought from H. C. on 7 May. Royal Assent 12 June. L. J., XVI. 669, 738. 12 Will. III. c. 11 in Long Cal.]

* This lady was the second wife of Richard V. Bulkeley of Cashell.

1658. May 27. New Ross (Export of Wool).—Petition of the Sovereign Recorder, Free Burgesses and Protestant inhabitants of the corporation town of New Ross, in the county of Wexford, Ireland, whose names are signed in behalf of themselves and other Protestant inhabitants thereof. The late Act* to prevent the exportation of wool into foreign parts, names the port of Waterford, and not the town of Ross, and the Revenue Commissioners in Ireland have interpreted it to exclude the latter from making entries or shipping off wool or woollen manufactures, though before that Act it did so in great quantities, being made by an ancient charter a staple town for exporting wool to England, and chiefly depending on that trade. Petitioners believe it never was their Lordships' intention to exclude New Ross, as Waterford and Ross lie on the several rivers which unite about 10 miles within the harbour's mouth, the fort of Passage being situated about 3 miles below the junction on the Waterford side, and the fort of Duncannon about 2 miles lower on the Ross side, both forts being equally concerned in preventing the exportation of wool into foreign parts from either of the towns. Pray for leave to bring in a clause in any Bill, to allow them the liberty to export wool to England as formerly. *Signed* by twelve persons.

[Read this day and referred to the Select Committee on the Minehead Bill. L. J., XVI. 708. The Committee considered this Petition on 28 May, but did not think fit to do anything thereon. Com. Book.

1659. May 28. Writ of Summons (E. Lindsey).—Writ of Summons to Robert, E. Lindsey, Lord Great Chamberlain of England. *Dated* 20 May. [Sat first in Parliament this day after the death of his father. L. J., XVI. 710.]

1660. May 28. Tipping's (Lucretia)s' Estate Bill.—Commons' Engrossment, marked for amendment, of an Act for vesting the estate of Lucretia Tipping, an infant, in trustees, that they, upon her marriage, may sell the same for a portion upon a settlement to be made on her and her issue. Recites (1) an indenture of 16 Oct. 1656, between Edward Cosyn, of High Holborn, Middlesex, Esq., since deceased, of the one part, and William Trye, of Hardwick, Gloucestershire, Esq., Frances Trye, his daughter, Thomas Kinnersley, Esq., and Thomas Trye, Gent., of the other part, limiting the manor, &c., of Charley, Leicestershire, to the use of Edward Cosyn till his marriage with Frances Trye, then to her for life, for her jointure, with remainder to the others during Cosyn's life in trust to support contingent remainders, remainder to Cosyn's issue and his heirs and assigns; (2) the marriage of George Tipping, of the Middle Temple, Esq., to Elizabeth Cosyn, Edward's only daughter and heir; (3) indentures tripartite of lease and release, of 20 and 21 June 1687 between the said Edward Cosyn, of Hillsley, Gloucestershire, Esq., of the first part, Sir Thomas Tipping, late of Whitfield, Oxon, Knt., deceased, and William Tipping, Esq., of the second part, and George Tipping of the third part, whereby Cosyn conveyed messuages and lands in Hillsley to Sir Thomas and William Tipping, in trust to pay him out of such estate, worth 101*l.* 10*s.* a year, 30*s.* a year, and 20*l.* a year for the education and maintenance of Lucretia Tipping, only daughter of George and Elizabeth Tipping, up to the age of 12, and 50*l.* to the age of 13, any residue going to George

* 10 Will. III. c. 16 Fol. Ed.

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Tipping; and after Lucretia was 13 the whole profits were to be in trust for her and her issue, failing whom, for her father, his heirs and assigns; and they were to hold the capital messuage, worth 1,000*l.*, in trust for Cosyn till Lucretia came of age or was married, and then for her and her heirs, failing whom, for Cosyn; (4) the death of Edward Cosyn and Frances, his widow, and also Elizabeth Tipping, leaving issue only Lucretia, now about 15; (5) indentures of lease and release, of 2 and 3 Nov. 1696, between Edward Cosyn, of Bromley, Kent, Gent., Thomas Rawlins, of Marston Longa, Gloucestershire, Gent., and Francis Mason, of Bidford Grange, Warwickshire, Gent., (dead before the indentures were executed), of the one part, and Lucretia of the other, pursuant to Decree of the Court of Exchequer of 22 May in 6 Will. and Mary, conveying lands, &c., in Hillsley to Lucretia and her heirs in fee simple or fee tail, with power to convey them in fee simple to a purchaser, barring all remainders, which she cannot do by reason of her minority; (6) an advantageous marriage proposed for her, with her father's consent. Enacts that all the aforesaid property be vested in George Pitt, of Stratfield Sea, in the county of Southampton, Esq., Francis Stonehouse, of Great Bedwyn, Wilts., Esq., and Edward Harley, Charles Cox, and Robert Dormer, of Lincoln's Inn, Esquires, in fee simple, in trust, after her marriage, to sell them and pay the purchase money to her intended husband for her marriage portion upon his making jointure and settlement upon her and her issue, the purchaser to have a good title in spite of the indentures and her minority, and against her and her heirs and those of her grandfather, Edward Cosyn. If she die under age or unmarried, the trust to cease and determine. But, until the marriage settlement is made, persons claiming under the indentures may receive the rents of any premises limited to them thereby. Then follows the general saving clause. *Parchment Collection.* [Brought from the Commons this day. Read 1ª on 29 May and 2ª and committed on 31 May. L. J., XVI. 710, 712, 713. On 13 June, in Select Committee, inquiry is made if any appear against the Bill, printed cases being delivered against the same, but none appearing, the Bill is read by paragraphs. *Mr. Web* says Mr. Tho. Webster, a Turkey merchant, (who has bought Copthall of E. Dorset and paid for it), is the person who is in treaty with Mr. Tipping for the marriage of his daughter. *Mr. Massam* says he gave 13,000*l.* for that estate. He has also another good estate. *Mr. Web:* Mr. Webster is to lay out 21,000*l.* in an estate to be settled, and Mrs. Tipping is to have 8,800*l.* jointure. *Mrs. Lucretia Tipping* says she knows the Bill is for the sale of the estate and a settlement to be made, and consents to it. On 18 June *Edward Cosyn* consents to the Bill, and says he has but an estate for life in the manor of Charley, and the inheritance was to go to his children, but he has no child. *Mr. Williams*, Counsel for the Bill, says the end of it is to make Mrs. Tipping a better match. If she marry before 21 she can make no settlement. The trustees are not to sell till she is married, neither is any part of the money to be paid to Mr. Tipping, nor is it to be paid to her husband till he has made a settlement, and in the interim she herself is to have the benefit of the estate. *Mr. Cosyn* says he has conveyed his estate to Mr. Tipping, as Sir Fran. Pemberton advised. After debate of the 1st enacting clause, Mr. Tipping and his Counsel were ordered to turn the clause which enables the sale of the estate into a clause to enable Mrs. Tipping to settle the same upon her husband upon her marriage, as if she were of age. The Select Committee was adjourned on June 19 and 20, but no further proceedings are recorded. Com. Book June 13, 18, 19, 20.]

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1661. May 30. Yates *v.* Lewis. Petition and Appeal of James Yates and Mary, his wife. Lewis Morgan, brother of Mary Yates, inherited from his father a real estate of 300*l.* a year, but, no provision having been made for his three sisters, their mother gave up part of her estate to him, and he entered into three bonds to pay allowances to them. The three sisters, being infants of tender years at the time, did not hear of the bonds till some years after their mother's death, and as their brother was sickly and they did not wish to disoblige him they did not put the bonds in suit. Lewis Morgan fell into the hands of the Respondent Richard Lewis, and was induced to leave his whole estate to him, though no relation, and by a codicil charged the lands with payment of 15*l.* a year for life to each of his sisters. As Respondent refused to pay Appellant the money secured by her bond, James Yates brought an action upon it and obtained a verdict. Respondent, in order to be relieved of this verdict and have the other two bonds delivered up exhibited his Bill and obtained a declaration from the Master of the Rolls that the annuities were in full satisfaction of the bonds. He also decreed that the bonds should be given up. Appeal from the Decree. *Signed* by Appellants. *Countersigned* Wm. Dobbyns, Cha. Coxe. L. J., XVI. 712. [The Cause was heard on 24 Feb. 1701–2 and the Decree reversed. *Mr. Dobyns* and *Mr. Dodd* appeared for the Appellants and *Mr. Solicitor* and *Mr. Price* for the Respondents. MS. Min. L. J., XVII. 45.]

Annexed:—

(*a*) 4. June. Petition of William Peyton, Gent., asking for further time for Respondent to put in his answer to the Appeal, as he lives in Monmouthshire. *Endorsed* as read this day. *Ordered* ten days longer. L. J., XVI. 722.

(*b*) 16 June. Answer of Richard Lewis, Gentleman. Appellants obtained a judgment against Respondent by mistake in the pleadings. Lewis Morgan's lands in the parish of Langenoy, Breconshire and elsewhere, are worth not more than 120*l.* a year and he had contracted debts amounting to 1,200*l.* His sisters by ill language and an unbecoming behaviour had very much disobliged him, but by their desire Respondent and other friends prevailed upon him to see them and to leave them annuities by a codicil to his Will. Respondent proved the Will and paid debts, legacies and expenses amounting to 1,200*l.* The bonds to the sisters were obtained by fraudulent practices during the testator's minority, and from the time when they were entered into till Morgan's death, more than 20 years afterwards, no money was demanded upon them. The Decree is just and equitable. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent. *Countersigned* Geo. Clive. *Endorsed* as brought in this day.

(*c*) 18 June. Petition of Respondent that the Appeal may be dismissed with costs as the Cause is only of 60*l.* value and Appellants have not entered into a recognizance or given security for costs. *Endorsed* as read this day. L. J., XVI. 756.

(*d*) 3 Feb. 1701–2. Petition of Appellant James Yates, asking for the appointment of a day for the Hearing, the Prorogation having intervened before the day fixed in June last. *Endorsed* as read this day. *Ordered* to be heard on the 17th inst. L. J., XVII. 25.

(*e*) 19 March. Petition of Respondent. By the Order, made on 24 Feb., Petitioner is to pay Appellants within a month their

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principal, interest and costs at Law and in Equity. Hopes it was not intended to apply to the other defendants in Chancery who submitted to the Decree, and prays that the Order may be explained so as only to extend to relieve the Appellants. *Endorsed* as read this day. MS. Min.

1662. May 30. Vaughan's Marriage Act.—Consent of the persons who executed articles for the marriage of William Vaughan and Frances Vaughan, and other things therein contained, to the Bill to enable William Vaughan and Frances Vaughan, his intended wife, (being both under the age of one and twenty years), to perform articles made for their marriage. *Dated* 20 May. *Signed* Wa. Vaughan, Mary Vaughan, Silvanus Vaughan, Henry Vaughan, Francis Vaughan, William Vaughan. [Produced this day before the Select Committee on the Bill. *Mr. Morgan*, a member of the House of Commons and brother-in-law to Mr. Vaughan, said, on 28 May, that he knew the parties were consenting, and the production of their consent was ordered. Com. Book May 28, 30. The Bill was brought from the Commons on 10 May. Royal Assent 12 June. L. J., XVI. 676, 739. 13 Will. III. c. 33 in Long Cal.]

Annexed:—

(*a*) 30 May. Petition to the House of Commons of William Vaughan, Gent., an infant, by Walter Vaughan, of Trebarryed, in the county of Brecon, Esq., and Mary Vaughan, his guardians and next friends, and Frances Vaughan, an infant, sole daughter and heir of John Vaughan, late of Heryest, in the county of Hereford, Esq., by Silvanus Vaughan, clerk, Henry Vaughan, Gent., John Lewis, Esq., and John Edwards, clerk, her next guardians and friends. In articles of a marriage agreement of 13 Jan. 1699 it is agreed that a marriage is to take place between William Vaughan and Frances Vaughan, and Walter Vaughan and Mary Vaughan have covenanted that several manors, &c., in the parishes of Hay Bailth, Llanvechan and Llandeny Coombe, in the county of Brecon, should be settled as jointure on Frances; but, by reason of William's infancy, they cannot perform the articles without an Act of Parliament. Pray leave to bring in a bill for the purpose. *Signed* as preceding paper, with the addition of Jo. Edwards and John Lewis. *Endorsed* as read [in H. C.] 18 Feb. 1700. C. J., XIII. 337. [Produced this day before the Select Committee. Com. Book.]

1663. May 30. Minehead Harbour Act.—Petition of the Mayor Alderman and Common Council of the borough of Bridgwater, in the county of Somerset, praying to be heard by Counsel against a clause in the Bill for the recovering, securing and keeping in repair the harbour of Minehead for the benefit and support of the navigation and trade of this Kingdom, which they conceive to be [to] their great prejudice and contrary to an Act of 9 & 10 Will. III. *Signed* Tho. Musgrave, Mayor. *Sealed* with the Borough Seal. [Read this day, and nothing done on it. MS. Min. No entry in L. J. The Bill was brought from the Commons on 22 May. Read 3ª and passed this day. Royal Assent on 12 June. L. J., XVI. 698, 712, 738. 13 Will. III. c. 8 in Long Cal. *See* Com. Book 28 May.]

1664. May 31. Saint Martin's-in-the-Fields Improvement Bill.—Commons' Engrossment of an Act for the better improving a certain

piece of ground in the parish of Saint Martin-in-the-Fields and for other the purposes therein mentioned. The Bill is identical in most respects with the later Act.* In the Bill, however, Sir Thomas Mompesson and others are named instead of James Dewy, Esq., and others as the persons in whom the acre is vested. In the Bill the words, 109 feet in length from east to west, are added to the description of the ground to be thrown into Heming Row, and the name of Isaac Godfrey is given instead of Edward Chapman as one of the Churchwardens. With reference to the payment of rents, the words, as have or has been formerly and now are or is reserved and payable to the said parish or more, are inserted in the Bill instead of the words, as can reasonably be had for the same. The words, or majority of the same, after the word, vestry, are left out in the Bill, whilst the words, and that other part of the said ground before this time used for a churchyard with the said ground under the said library and free school left for a burying place as aforesaid to the churchyard, are inserted. The clause in the Act dealing with future acquisitions, preceding the general saving clause does not appear in the Bill. *Parchment Collection.* [Brought from the Commons this day. Reported without amendment. Read 3ª and passed on 5 June. Royal Assent refused 12 June. L. J., XVI. 714, 723, 739. *See* Com. Book 4 June. *See* No. **1670**].

1665. May 31. Mallock's Estate Bill.—Commons' Engrossment of an Act to enable the sale of the estate of Rawlin Mallock, Esquire, deceased, for discharging the moneys, debts and charges thereupon. Recites that Rawlin Mallock, late of Cockington, Devon, deceased, was seised of the manors, &c., of Cockington and Chilston, *alias* Chiliston *alias* Shilston, barton farm and demesnes of Cockington, the Great Meadow, Cockington, the manor, barton and farm of Stantor, *alias* Stontor, and Yeabsley tenement, in Marledon parish, and the manors of Broadclist and Smalrudge, *alias* Smalridge, all in Devon, and Fiddington, in Somerset, the church, &c., and sheaf and advowson of Tormoham [Tor Moham] and Cockington, Devon, which, on his marriage with Elizabeth Collens, only daughter and heir of Sir John Collens, of Chute Lodge, Wilts., he conveyed to Collens, Humphrey Norbourne, Gabriel Whistler, Edmond Davey and Thomas Brooking, in trust, as regards all the aforesaid estates, except the manors of Cockington, Shilston and Smalrudge, for his use, then for his wife as her jointure, then for their heirs male, with remainder to his right heirs, and with regard to the manors of Cockington and Shilston, for him and the heirs male of him and his wife Elizabeth successively; that Mallock in 1864 confirmed this settlement, and added a power to dispose of the estate by Will, failing issue male; that Mallock, burdened some other real property he possessed with debts exceeding its value, and in 1688 leased the rectory and sheafe and advowson of Cockington and Tormoham and Yeabsley tenement and Stantor to Dr. Edmond Davey, of Exeter, Roger Mallock, of Exeter, goldsmith, and Giles Inglett, of Chudleigh, Devon, Gent., for 99 years, if Rawlin Mallock, his son, Roger Mallock, since dead, and Roger Mallock, his son, should so long live, to pay out of the rents thereof the outstanding debts; that by indentures between himself and his daughter Rose Mallock, spinster, and between himself and Thomas Brooking, merchant, and Humphry Waldron, Gent., both of Exeter, he settled two annuities of 100*l.* a year upon her, charged on

* 1 Anne c. 45 in Long Cal.

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the premises before mentioned. That in 1688 he made his Will, appointing Davey, Brooking and Inglett, his executors, who were to sell all his real estate for payment of his debts, and, with regard to the property included in the marriage settlement, to carry out its provisions as to his issue male, failing which they were to hold in trust for his kinsman Roger Mallock, of Exeter, goldsmith, subject to the two annuities for his daughter Rose, then for Roger's sons Rawlin, Roger and Richard and their respective issue male, then to Roger, the father, his heirs and assigns, with power to holder to make leases for lives or years limited by lives, not dispunishable of waste. After this Rawlin incurred several fresh debts, and died 9 Aug. 1690, leaving issue by Elizabeth only Rawlin, who entered as tenant in tail and enjoyed the property free from the trusts, debts, rent charges and annuities. In 1691 Henry Adams, of Stoke Gabriel, and Richard Cockey, of Totnes, both in Devon, clothiers, with several other creditors brought a Bill in Chancery against Rawlin Mallock, Sir John Collens, and the executors and trustees, to have the benefit of the two trust leases, which were ordered to be assigned to them, to enable them to go to law in the trustees' names, saving them harmless, for the recovery of their debts; but this Decretal Order was never passed, being overridden by Rawlin Mallock's claim to the leases. Roger died in 1695, and Rawlin, the younger, in 1699 without issue, so that the estates passed to Rawlin, Roger's son; but as they are subject in law to the incumbrances charged on them, and possibly the debts, there may be a Chancery suit which will prejudice all parties; and Rawlin has borrowed 2,000*l.* to pay off a debt to the King on a bond. The rents are not sufficient to pay off the incumbrances. Rose has agreed to accept 2,500*l.* in lieu of her annuities, with interest at 6 per cent. on 1,800*l.* till paid. The unsecured creditors named in the Chancery Decree are willing to forego interest, and Rawlin is willing to pay them their principal by the sale of the settled estate, which requires an Act of Parliament. The Bill, therefore, enacts that all the above-mentioned property be vested in Gilbert Yard, of Bradley, Esq., Francis Shepheard, of Walton, Esq., Robert Jeffery, of Ashburton, Gent., John Sess, of Ottery Saint Mary, Gent., and John Barber, of Topsham, yeoman, all in Devon, free of the two annuities, in trust to sell it, or part of it, and pay their own expenses, 100*l.* a year to Rawlin Mallock, free of rates and taxes, during the continuance of the trust, and also the cost of procuring the Act, and the 2,000*l.* he had borrowed to pay off the debt to the King; 2,500*l.* to Rose Mallock, with interest as agreed; 700*l.* to Robert Walker, of Exeter, Esq., and Francis Shepheard, of Walton, Esq., which they are to pay to Richard Mallock at his majority, paying the interest in the meantime to Frances Mallock for his maintenance, and, in case Richard dies while Rawlin is alive or has left issue male, they are to divide it equally between Robert, Frances, Ann, Grace and Margaret Mallock, children of Roger Mallock and Frances, his wife, or, in case Rawlin die without issue male before Richard is 21, between Rawlin's daughters, Frances Mallock, the widow, getting 500*l.* for her younger children's support. The trustees are then to pay the debts not secured by other than the two trust leases, and they are to give Rawlin Mallock 500*l.* to build a new house on the barton of Stantor, if unsold. The balance of the money realised, if any, is to be devoted to purchasing land which, together with the unsold lands, is to be settled in the same manner as the lands to be sold. The trustees are to retain their expenses out of the estate and are only to be liable for their individual defaults. Rose's claim to her annuities is to determine, but she or her trustees may sue for arrears and distrain. The two leases made by

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Rawlin Mallock and Giles Inglett for 99 years, together with the fee simple, are to vest in Jeffery, Sess and Barber, and the creditors are to have no claim to them, on being paid their principal, without interest. The leases, &c., made by the two younger Rawlins, under the elder Rawlin's Will, are to stand. Then follows the general saving clause. *Endorsed* Rejected 24 June 1701. *Parchment Collection.* [For proceedings on the Bill, *see* No. **1667**.]

1666. June 3. V. Kilmorey's Estate Act.—Consent of Charles Needham, uncle of Robert, V. Kilmorey, to the Bill to enable V. Kilmorey to settle manors, &c., in England, upon his marriage. Petitioner is the only person having any estate in remainder in the lands, &c., mentioned in the Act, limited by the settlement of Thomas, the late Viscount, and father of the present Viscount. *Signed* Charles Nedham. *Witnessed* Jo. Parker, Tho. Starkey. [Produced this day before the Select Committee. The Bill was brought from the Commons on 16 May. L. J., XVI. 687. Read 2ª and committed on the following day. *Ib.*, 689. Received the Royal Assent on 12 June. *Ib.*, 738. 13 Will III. c. 12 in Long Cal. Com. Book.]

1667. June 3. Mallock's Estate Bill.—Petition of Nathaniel Pinney, of Axminster, Devon. Petitioner in 1690 bought a tenement called Cleeves, parcel of the manor of Smallridge, for 300*l.*, for three lives, by copy of Court Roll, from Rawlin Mallock, Esq., then in actual possession and reputed absolute lord of the manor, but has been ejected by dormant settlement and private conveyances among the Mallock family. Prays to be heard by Counsel upon Rawlin Mallock's Bill for the sale of the manor, that he may be named amongst the creditors and have his purchase money repaid him. *Signed* Nathl. Pinney. [Read this day, and referred to the Select Committee on the Bill, which was brought from the Commons on 31 May. L. J., XVI. 715, 720. On 20 June, in Select Committee, L. Jeffreys in the Chair, Mr. Mallock's deeds were perused. Rawlin Mallock, Rose Mallock and Elizabeth Buging, the principal creditor, gave their consents. Dr. Walrond's Petition was read. *Mr. Phipps* and *Mr. Sloane* spoke on behalf of the executors, and offered a clause which was read. *Mr. Gibbons:* If the real estate prove short, we can have no benefit of the personal estate. *Mr. Phipps*, for the executors: The King's Extent is subsequent to our administration. On 21 June *Counsel for Bill:* The executors of Rawlin Mallock are not prejudiced by the Bill. *Mr. Phipps*, for Smith, against the Bill: The Bill vests the estate in new trustees, without paying the old trustees their expenses. The Petition of Mallachy Mallock is read. *Mr. Sloane* for the Petitioners: We have a warranty on these lands. The Bill takes it away. *Mr. Cooper*, for the Bill: This Bill leaves his client in as good a condition as before. There is a general saving. *Mr. Sloane:* This general saving saves only estates. Mr. Pinney's Petition is read. On 24 June the enacting clauses are read. *Mr. Phipps:* There is a clause in the Bill that divests the old trustees of the trust, and takes no care to repay them the charge they have been at. *Mr. Cooper:* For so much as they have expended they are creditors, and will have remedy. Mr. Sydenham's Petition is read. *Counsel for Mallock* pray Mallock may produce his title: We can produce a writing that shows our title to part of the estate. We desire a particular saving. *Mr Sloane*, for Mallachy Mallock, &c.: The estate the Bill would sell is subject to our general warranty. *Mr. Cooper*: The warranty will not be affected by this Bill. Mr. Walrond's clause is read and rejected, as also that offered by Smith on behalf of the old trustees, and the

1701. — No. 1667. saving offered by Mallachy Mallock, &c., and that on behalf of Sir Jo. Collins, for whom nobody appeared. Com. Book. The Bill was reported without amendment on 24 June. *On Question*, Whether it should pass? It was rejected. MS. Min. L. J., XVI. 768.]

Annexed:—

(*a*) June 3. Petition of Mallachy Mallock, Josias Denning, Thomas Turner, William Callway, John Knight and Henry Stephens. In 1688 one Samuel Mallock, whose heir the Petitioner Mallachy Mallock is, and the other Petitioners purchased of Rawlin Mallock, Esq., since deceased, several lands, with warranty. Rawlin Mallock, Esq., son of Roger Mallock, deceased, has brought in a Bill for sale of these among other lands, although he has no title thereto. Pray to be heard by Counsel against the Bill as to the lands they purchased. *Signed* by the Petitioners. *Endorsed* as read this day. L. J., XVI. 720.

(*b*) June 10. Petition of John Walrond, of the city of Exon. Doctor of Physic, on behalf of himself and the executors of Rawlin Mallock, of Cockington, Devon, Esq., deceased. Prays to be heard by the Committee on the Bill, which will be very prejudicial to him unless amended. *Signed* by Petitioner. *Endorsed* as read this day. L. J., XVI. 733.

(*c*) June 12. Petition of Thomas Smith and others, the trustees of Rawlin Mallock, late of Cockington, Esq., the elder, deceased. The said Rawlin conveyed to Petitioners the equity of redemption of the sheaf and rectory of Cullumpton and other estates in Devon and Exeter, then in mortgage to Sir Edward Seymour, Bart., in trust to pay his debts by the sale thereof, after paying their own costs and charges. Shortly before the passing of Mallock's Bill in the Commons a new clause was added, which Petitioners had no time to come and oppose. This clause substituted new trustees for Edmond Davey, M.D., Edward [Gilbert] Yard, Esq., and Thomas Smith, the old trustees, without providing for their costs, which have been large, by reason of law suits. Pray to be heard by Counsel on the Bill, to have a clause added reimbursing them their costs and indemnifying them for their lawful acts in executing their trust. *Signed* Thomas Smith. L. J., XVI. 739. *Endorsed* as read this day.

(*d*) 24 June Petition of Richard Sydenham, Esq., and Grace, his wife, daughter and heir of Sir Henry Cary, deceased. Cary, in the time of Charles I., had estates worth 5,000*l.* a year. He raised and maintained two regiments of foot and one of horse at his own charge for the Royalist cause, thereby contracting great debts, and so far hazarding his life that he was forced to fly the Kingdom, after having, in 1653, conveyed great part of his estate to one Roger Mallock, Esq., deceased, in trust to pay his debts and raise portions for his children; and to protect the rest of his estate he conveyed it to Mallock under colour of a mortgage, or as collateral security. The debts have never been paid, nor has any provision been made for Petitioner Grace or any other children, pursuant to the trust. The estate has come into the hands of Rawlin Mallock, Esq., and, by the Bill before the House, is to be sold for payment of the debts contracted by the Mallocks. Petitioners can produce an effectual defeazance for the rectory and sheaf of Tormoham

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and Cockington, and the rest of the lands are under similar defeazances or trusts. Petitioners are thus reduced to great poverty, and pray to be heard by Counsel, to be assigned them by the House, and that all Cary's deeds to Mallock may be produced for their perusal, and their just rights particularly saved. *Signed* by Petitioners. [Read this day before the Select Committee. Com. Book.]

1668. June 5. Glynn *v.* Quick (In Error).—Writ of Error and Transcript of Record, with suggestion of Error, dated 12 June, annexed. Alexander Quick, Gent., sued Sir William Glynn, late of Amersden, Oxon, Bart., Sir James Clarke, late of East Molesey, Surrey, Knt., Robert Pococke, late of Long Ditton, Surrey, clerk, and Stephen Glynn, late of Martin, Oxon, for ejecting him from a farm in the several parishes of Long Ditton, Thames Ditton and Kingston-on-Thames, of which he had an expired term of five years from Joseph Alston Carr, and claimed 50*l.* damages. He got a judgment for 45*l.* 0*s.* 6*d.* against them. *Parchment Collection.* [Brought in this day. L. J., XVI. 723. The Cause never came to a Hearing.]

1669. June 5. Barrington's Estate Act.—Petition of William, Lord Fitzwilliam, Baron of Lyfford, Ireland. The Bill to enable Sir Charles Barrington, Bart., to settle a jointure and make provision for his younger children recites that before Barrington's marriage with Petitioner's only daughter, Petitioner had agreed to give 10,000*l.* portion, and Barrington was to settle a suitable jointure. As a matter of fact Barrington was to have settled 1,500*l.* a year in land or 1,200*l.* a year rentcharge as jointure, with 300*l.* a year for Petitioner's daughter's personal expenses. This is not provided for by the Bill, and there is no provision for younger children in it. There are also several recitals in the Bill prejudicial to Petitioner, who prays to be heard by Counsel upon it. *Signed* W. Fitzwilliam. [Read this day and rejected. L. J., XVI. 723. The Bill was brought from the Commons on 22 May. Royal Assent 12 June. *Ib.* 698, 738. 13 Will III. c. 13 in Long Cal. The Select Committee was adjourned to the L. Keeper's room. Com. Book 7 June. There is no record of their proceedings.]

1670. June 5. Saint Martin's-in-the-Fields' Improvement Bill. —Letter from the Archbishop of Canterbury, addressed to the R. Reverend the Lord Bishop of London and the rest of the Lords of the Committee for S. Martin's Bill, acquainting them that he is forced to be absent that morning, much against his will. However, he hopes the business will be despatched without him, and it needs expedition. He can assure their Lordships that the King was petitioned for leave to bring the Bill into Parliament, and that he readily gave it. *Signed* Canterbury. *Dated* this day. [The Bill for better improving a certain piece of ground and for other purposes was brought from the Commons on 31 May, and considered in Select Committee and ordered to be reported on 4 June. Royal Assent refused 12 June. L. J., XVI. 714, 739. Com. Book 4 June. For Commons' Engrossment of Bill, *see* No. **1664**.]

1671. June 9. Bigg's Estate Act.—Petition of Richard Bigg, on behalf of himself and others concerned in interest in a Bill to charge part of his estate, in the county of Hertford, for payment of his debts, for a short day for the Committee to sit on the Bill, which is very much for the benefit of himself and family. *Signed* by Petitioner. [Read

1701. — No. 1671. this day and rejected. L. J., XVI. 731. The Bill was brought from the Commons on 4 June. Royal Assent 24 June. *Ib* 721, 770. 13 Will. III. c. 47 in Long Cal. *See* Com. Book June 14, 16.]

1672. June 10. Naturalization (Arthur) Act.—Certificate that Archibald Arthur, on 6 April 1701, received the Sacrament, according to the usage of the Church of England, at the Parish Church, St. Margaret Pattens, London. *Signed* Tho. Mariott, Minister, Wm. Arkesden, Churchwarden. *Dated* eod. die. *Attested* by William Arkesden and Moses Michell. [Produced and proved this day before the Select Committee on the Bill for naturalizing Archibald Arthur and enabling him to dispose of his estate, when the Clerk acquainted them that E. Rochester had commanded him, (if his Lordship happened not to be at the Committee), to let them know that the King had been acquainted with the Bill, and consented to it. *Mrs. Mary Jervas* and *Judith Perry* (sworn at the Bar) said they knew Archibald Arthur to be qualified for naturalization, as in the Bill is expressed. There was no amendment. Com. Book 10 June. The Bill was brought from the Commons on June 2. Royal Assent 12 June. L. J., XVI. 716, 739. 13 Will. III. c. 38 in Long Cal.]

1673. June 12. King's Speech—King's Speech this day, thanking Parliament for establishing the Protestant Succession and for supporting him in his foreign policy; and recommending despatch of business, as his presence was required abroad. L. J., XVI. 739. *In extenso.*

1674. June 13. Writ of Summons (E. Huntingdon)—Writ of Summons to George, E. Huntingdon. *Dated* 10 June 1701. [Sat first in Parliament this day after the death of his father. L. J., XVI. 741, where he is wrongly entered as John.]

1675. June 13. Deane's Estate Act.—Consent of George Duke, Esq., the surviving trustee, to the Bill for the sale of the estate of James Deane for the benefit of himself and family. *Dated* 5 June. *Signed* and *Sealed* Geo. Duke. *Attested* Edm. Newman, N. Watson, Jun. [Produced at the Select Committee this day. There were no amendments. Com. Book. The Bill was brought from the Commons on 31 May. Royal Assent 24 June. L. J., XVI. 714, 769. 13 Will. III. c. 46 in Long Cal.]

1676. June 13. Charge against L. Haversham by the Commons.—Message from the Commons acquainting the Lords with what happened at the Free Conference, together with the speech of L. Haversham complained of and the Commons' Resolution that he be charged before the Lords. L. J., XVI. 742. *In extenso.* The speech complained of was made at a Free Conference on the Impeachment of the Ministers in consequence of the signing of the Partition Treaty. The MS. Min. give entries on this subject as follows: On 14 June *Ordered* that the Lords' Committee appointed to draw what was offered at the Free Conference do inspect the Journals as to what has happened upon an occasion of this kind [and whether any satisfaction has been made on the like occasion] *and what has been done thereupon.** . . . *Moved* to send a Message to the House of Commons and acquaint them with what the House has done in relation to the accident at the Free Conference. A Message was sent to the House of Commons by Sir

* The words in italics were substituted for those in square brackets.

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John Hoskens and Dr. Newton to acquaint them that [the Lords have appointed a Committee to inspect precedents, in order to give them an answer to their Message yesterday in relation to the matters that happened at the Free Conference; and the time appointed by their Lordships for the Free Conference desired yesterday being elapsed, that their Lordships desire the Free Conference with them be resumed upon the subject matter of the last Free Conference, and appointed presently in the Painted Chamber] *upon the occasion of their last Message yesterday in order to continue the good correspondence between the two Houses*, &c., as in L. J., XVI. 746.* [*Ordered* that the Messengers sent to H. C. be sent for back, if they have not been called in, in order to send the Message on Monday next. Then the Messengers sent to the Commons returned as ordered, not having been called in. *Ordered* that the Message be changed to Monday next at one o'clock. The Messengers were sent again with the same Message].† On the same day, in Select Committee, L. Steward in the Chair, a state of the matter of the Conference was agreed on and ordered to be reported. Com. Book.

On 17 June the King's answer to the Address of 16 June was reported by L. Wharton. L. J., XVI. 748. In this answer it was stated that, as to the Address concerning leave to the L. Haversham to inspect the Council books, his Majesty said that he did not understand it until it was explained. The Address was then altered, and taken again by Lord Wharton.

On 19 June, after L. Haversham's Answer had been read, he moved for speedy justice, by putting it into a speedy way of trial.

On 21 June *L. Haversham* moves the House in relation to his charge, and desires their Lordships will give Judgment upon him. The House went on with the debate. *Proposed* that, if the Commons do not prosecute the trial of L. Haversham, that then he be discharged. *Moved* to declare that if L. Haversham be not prosecuted by the Commons before the end of this Session of Parliament he shall be discharged of the charge he lies under. *Question* to this effect put, as in L. J. *Resolved* in the affirmative. *See* L. J., XVI. 763.

[A Motion being made to take into consideration the votes of the House of Commons made yesterday, and debate thereupon, *Ordered* that the debate thereof shall be adjourned.] *A complaint being made*, &c., as in L. J., XVI. 764.*

On 24 June *Moved* to consider of discharging John, Lord Haversham. Some words were proposed in order to discharge him. The words were read. The Commons, not having prosecuted their charge against John, Lord Haversham. *Ordered*, &c., this day as in L. J., XVI. 768.]

Annexed:—

(*a*) 19 June. Answer of John, Lord Haversham. *Endorsed* as brought in this day. L. J., XVI. 759. *In extenso.*

1677. June 13. Naturalization (De Launay) Bill.—Draft of an Act for naturalizing Joseph Launay and others. It includes John Baillehache (*see* No. **1730**, Annex (*l*)), and Peter Martin, who were naturalized later by Bacalon's Act No. **1730**, Daniel Garnier, naturalized by Benovad's Act, No. **1751**, and Francis Claris, son of Jacques Claris by Lovise, his wife, born at Languedoc in France, John Ramesers

* The words in italics were substituted for those in square brackets.
† Expunged entries.

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(Ramsey in Annex (*a*) below), son of Francis Ramesers by Mary, his wife, born in the Province of Poitou in France, Benjamin Du Roy, son of John Du Roy by Margaret, his wife, born at Berjerac in the Province of Guienne in France, John Thomas, son of Isaac Thomas by Jane, his wife, born at Oleron in Bearn, and Daniel Robert, son of Christopher Robert by Judith, his wife, born at Montelinard in Dauphiné, who do not appear in any of these Naturalization Acts. [Read 1ª this day. Committed, but never considered in Select Committee. Several persons were ordered to be added, on their Petitions, some of whom were naturalized by Benovad's Act, No. **1751**. L. J., XVI. 741, 743, 747, 756, 757.]

Annexed:—

(*a*) 12 June. Petition of Joseph Launay and several others, disbanded officers. Have served ever since the King came to the Crown, and behaved themselves very faithfully for the good of the Kingdom and Protestant religion. Being desirous to do the same upon all occasions, they came out of Ireland to use their endeavours to become capable of serving the King and Kingdom again. Pray leave to bring in a Bill for their speedy naturalization, the Session drawing very near to an end. *Signed* Joseph De Launay, Alexander Raquet Desfourneaux, Peter Martin, Francis Claris, John Rabaud, John Ramsey [Ramesers in Bill], James Trelebois, Eliaser Minte, Benjamin du Roy, John Lewis de Ligonier, Jean Housset, John George Shmithen [Schmiten], John Thomas. *Endorsed* as read this day, and leave given. L. J., XVI. 740. All the Petitioners were included in this Bill, except John Rabaud. All but Claris, du Roy and Thomas were naturalized by de Bacalon's Act, No. **1730**.

(*b*) 13 June. Petition of Anthony Laroque, and two other officers. Petitioners are French Protestants, and have been turned out of their native country for their religion's sake. Have served in the English army in Ireland and Flanders during all the late war, and desiring to be enabled to serve again, pray to be added to the pending Naturalization Bill. *Signed* Ant. Laroque, Marc' Anthony Vaissier Valogne, John Porte Laroque. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 747. The Laroques were naturalized by de Bacalon's Act, No. **1730**, and Valogne by Benovad's Act, No. **1751**.

(*c*) 14 June. Petition of Alexander Duroure Desbonnaux an officer. Petitioner is a French Protestant, who was forced to leave his own country, his estate, and the French service. He came over to England, for his religion's sake, at the same time as the King. Desires to be naturalized, and prays to be added to the pending Naturalization Bill. *Unsigned.* The name of Peter De Gualy, also an officer and a French Protestant, has been added to this Petition. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 747. De Gualy was naturalized y Benovad's Act, No. **1751**.

(*d*) 14 June. Petition of Daniel Moreau, sen., and others, French Protestants, forced to leave their country and estates for their religion's sake. Desire to be naturalized, and pray to be added to the pending Naturalization Bill. *Signed* Daniel Moreau, Daniel Moreau, junr., Benjamin Malide, Elias. Delpeuch. *Endorsed* as read this day. *Ordered* as desired. MS. Min. 13 June. L. J., XVI. 747. One of the Moreaus and Malide were

naturalized by Benovad's Act, No. 1751, and Delpeuch by de Bacalon's, No. 1730.

(*e*) 16 June. Petition of Philippes de La Beaune [La Beauve], captain in the late Colonel Lillemarais' regiment, in his Majesty's service in Piedmont. Is a French Protestant, left his country and estate for his religion's sake, and served the King during the late war as captain in Piedmont. Desires to be naturalized, and prays to be added to the pending Naturalization Bill. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. He does not appear in any of these Naturalization Acts.

(*f*) 18 June. Petition of Oliver Le Nouricier and three others. Petitioners are persons born out of the King's allegiance, forced to quit their native country on account of their religion, in order to their continual residing here. Have given good testimony of their loyal affections to the King and the good of this Kingdom, and pray to be added to the pending Naturalization Bill. *Signed* Olivier Le Nouricier, Peter Fleuriot, Jacob Huë, Michel Huë. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. None of the Petitioners appear in any of these Naturalization Acts.

(*g*) 20 June. Petition of Steven Fermignac and two others. Are French Protestants, forced on account of their religion out of their native country. Have served in cavalry regiments in the late wars, and always ventured their lives for the Protestant religion and the good of the Kingdom of England. Pray to be inserted in the Bill of Lieut. Joseph Delaunay, in order to their being naturalized. *Signed* Steven Fermignac, James Bruguier, William Barbut. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. None of these persons appear in any of these Naturalization Acts. One James Brunier was naturalized by Benovad's Act, No. 1751, and a certain John Bruguier by De Bacalon's Act, No. 1730.

(*h*) 20 June. Petition of Abel Langelier and two others. The Petition is practically the same as (*f*) above. *Signed* Abel Langelier, Zacharia Butand, Michall Derry. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No. entry in L. J. The first two were naturalized by Benovad's Act, No. 1751, and an Abel Langelier also by Van Ryssen's Act. Derry does not appear in any of these Naturalization Acts.

1678. June 14. Justices of Peace (Qualification) Bill.—Commons' Engrossment of an Act for qualifying justices of the peace. Whereas by several statutes heretofore made, the justices of the peace in the counties and shires of England ought to be assigned of the most sufficient knights, esquires and gentlemen of the law in the said counties and of the best reputation, notwithstanding which statutes, of late divers persons of small estates and mean education have been deputed and assigned to be justices of peace in the said counties or shires, whereof great inconveniences may arise, for the prevention whereof and to the intent that the said statutes for the time to come may be observed and effectually obeyed, Be it enacted, &c., that from and after the nine and twentieth day of September, one thousand seven hundred and one, no person shall be assigned or deputed to be a justice of the peace in any county or shire of England, unless he has lands or

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tenements of the clear yearly value of four hundred pounds within the Kingdom of England or dominion of Wales, either in fee simple, fee tail, or for life or lives, *or for years determinable upon life or lives, or copyhold of inheritance** nor shall any person be assigned or deputed to be a justice of peace in any county within the dominion of Wales, *or in the county of Monmouth,** unless he has such estate as aforesaid, of the clear yearly value of two hundred pounds. And in case any person who now is in commission, or at any time hereafter shall be nominated or put into the commission of the peace for any shire or county in England or Wales not having lands or tenements of the yearly value aforesaid and of such estate or interest as is above mentioned, shall take upon him to act in such commission, or to put in execution any of the powers therein granted, or to execute the office of a justice of peace in the said county in any matter or thing whatsoever, such person shall forfeit the sum of two hundred pounds, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons that shall sue for the same, to be recovered by action of debt, bill, plaint or information in any of his Majesty's Courts of Record at Westminster, wherein no essoign, protection or wager of law shall be allowed or any more than one imparlance, and wherein the plaintiff in such action shall recover his costs of suit; and such person shall also be put out of the commission of the peace. And be it further enacted by the authority aforesaid, that no person being an attorney at law or a solicitor, or acting or dealing as an attorney at law or solicitor, shall be assigned or deputed to be a justice of the peace in any shire or county of England or Wales. Provided always that this Act shall not extend to the Vice Chancellors of the two Universities for the time being, or to cities, boroughs or towns corporate which are counties incorporate of themselves, nor to cities, boroughs or towns corporate which have justices of the peace within their own limits of persons dwelling in the same, nor to the counties of Rutland or Cardigan. Provided always that it shall and may be lawful to and for any person who now is, or at any time hereafter shall be nominated or put into the commission of the peace in the shires or counties of Westmoreland, Cumberland and Northumberland, or any of them having such an estate as aforesaid of the clear yearly value of two hundred pounds, to take upon him to act in such commission and to execute the office of a justice of peace in the said shires and counties and every of them, any thing in this present Act contained to the contrary thereof in any wise notwithstanding. And be it further enacted by the authority aforesaid that, from and after the said nine and twentieth day of September, the Lord Chancellor or Lord Keeper, or Commissioners of the Great Seal of England for the time being, or the Chancellor of the Duchy of Lancaster shall, and are hereby required upon the nomination of any person or persons in the commission of the peace for any county of England or Wales to issue out a dedimus to proper persons empowering them to administer the oaths by law required to be taken byjustices of the peace to the person or persons so nominated, and usually inhabiting or dwelling within the county for which he or they shall be so nominated in the commission of the peace, and that the person or persons so nominated and to be sworn shall have the said oaths duly tendered unto him or them, and may take the same without paying any fee or reward whatsoever for any such dedimus or authority to

* The words in italics are interlined on the Roll, and were added by the Commons on Third Reading. C. J., XIII. 627.

administer the said oaths. Provided that nothing in this Act contained shall extend or be construed to extend to disqualify such justices of the peace as are now, or hereafter shall be, in the commission of the peace who, at the time of their being put into such commission had, or shall have, four hundred pounds per annum, and have or shall by settlement only upon their sons in marriage reduced or reduce their shares of such estates to less than the said yearly value, the residue of the said estate being in their sons or their issue, anything hereinbefore mentioned to the contrary in anywise notwithstanding. *Parchment Collection.* [Brought from the Commons this day. On 18 June it was rejected after Second Reading. *On Question*, without a division. L. J., XVI. 743, 757.]

1679. June 14. L. Halifax's Impeachment.—Articles of Impeachment against Charles, Lord Halifax, exhibited by the Commons for high crimes and misdemeanours. Brought up from the Commons and read this day. L. J., XVI. 743–6. *In extenso. Parchment Collection. See* No. **1615**.

1680. June 20. Stanley's Estate Act.—Petition of Sir Thomas Stanley, Bart., Dame Margaret Stanley, his wife, William Patten, Mary Patten, Richard Langton, William Shawe, Thomas Patten and Thomas Dod, not only giving their consent to the Bill to enable Sir Thomas to charge the manor of Bickerstaffe and other lands in Lancashire with 3,000*l.* for payment of his sisters' portions and his debts, but also praying it may pass. *Signed* by the Petitioners. [Produced as a Consent this day before the Select Committee. Com. Book. The Bill was brought from the Commons on 11 June. Royal Assent 24 June. L. J., XVI. 736, 769. 13 Will. III. c. 45 in Long Cal.]

Annexed:—

(*a*) Copy of the Act, Noted 13 Will. III. c. 45. *Signed* Math. Johnson, Cler. Parliamentor.

1681. June 21. Public Accounts Commissioners Bill.—Petition of John Paschal, Esq. In 1694 Petitioner was appointed one of eight Commissioners of Prizes, who had an Accountant General and a Treasurer, the latter appointed by the King by Patent, who received all the money arising by prizes, of which Petitioner never received one penny except his salary. The accounts for prizes were from time to time laid before the Treasury and audited, without objection being taken. Petitioner has been for many weeks a prisoner in the Tower for not complying with an impracticable scheme imposed on him by the late Commissioners of Accounts, and is now informed that in the Bill before the House there is a clause for the imprisonment of Petitioner and Mr. Parkhurst in the Tower till the end of the next Session unless a full account of all prizes during the late war be delivered before 1st Sept. next. Petitioner is only one of the Commissioners and did not come into office till five years after the beginning of the war, and it is a hardship to have a particular law to punish him and only one other of the Commissioners, as he had acted according to law. Prays to be heard by Counsel against the clause. *Signed* John Paschal. L. J., XVI. 764. [The Bill for appointing Commissioners to take, state and examine the several and respective accounts therein mentioned was brought from the Commons on 18 June, and read 1ª and 2ª on 21 June, after debate and a division. Contents 26, Not Contents 20: Tellers, L. North, L. Jeffreys. MS. Min. L. J., XVI. 757, 764. On 23 June, in C. W. H., E. Stamford in the Chair, Counsel for Mr. Paschal were called in, and the clause that concerns

1701. — No. 1681. him read. *Mr. Dormer* and *Mr. Dodd* heard for him. Mr. Whitaker's clause read (Annex (*a*)). *Mr. Dodd* and *Mr. Fowler* heard for Whitaker. A clause was offered for Col. Leighton and added to the Bill after the word, notwithstanding, in 6 skin, l. 31. *Agreed* to leave out Mr. Paschal's clause. Mr. Whitaker's clause read. *On Question?* *Agreed* to leave it out. Then the first two enacting clauses, which had been postponed, were rejected, and the Bill, as amended, was read 3ª and passed and returned to the Commons. MS. Min. L. J., XVI. 765. On 24 June *Moved* that an Address be made to his Majesty that the Bill empower five Commissioners to execute the powers in the former Act for taking and stating the public accounts so far as by law they may. *On Question*, Whether this House shall now adjourn during pleasure? Contents 25, Not Contents 33: Tellers, L. Mohun, L. Dartmouth. The vote was not, however, declared, his Majesty coming in before it was reported. MS. Min. L. J., XVI. 769.]

Annexed:—

(*a*) 21 June. Petition of Edward Whitaker, Gent. Petitioner has been for the last ten years Solicitor to the Admiralty and Navy, and has had his accounts passed every year except last year's account, which he has not passed owing to his being in close custody of the Serjeant at Arms of the House of Commons. He has never refused to deliver his accounts to any authority nor has any fault ever been found with them, but there is a clause in the Bill, which requires him to account again before the Commissioners. Prays to be heard against that clause, and to make his just defence. *Signed* by the Petitioner. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 764. [*See* Notes above and Annex (*c*).]

(*b*) 21 June. Petition of Colonel Baldwin Leighton. There are due to Petitioner several sums of money for arrears and disbursements made by him for his Majesty's service. The late Commissioners of Accounts allowed his demands just, but told him they had no power to certify the same; and Petitioner is advised that the Bill before the House is as wanting in that particular as the former Act. Prays a clause for his relief may be received. *Signed* by the Petitioner. *Endorsed* as read this day. L. J., XVI. 764.

(*c*) 20 Jan. 1701-2. Petition of Edward Whitaker, Gent. Has never yet been heard against the clause relating to him, not having had notice soon enough, and is now under a prosecution of the Attorney-General, by two informations in the Court of Exchequer, one for 12,000*l.* debt, and the other for an account of 23,000*l.*, being thus doubly prosecuted for one and the same account. Has lately come out of custody of the sheriffs of London, having been many weeks a close prisoner on a capias on account of the 12,000*l.*, and being unable to get bail. Has passed his accounts at the Admiralty and Navy Boards for every penny he received, and can prove there is no ground for the clause. Prays to be heard by Counsel at the Bar, and that the Officers of the Navy be ordered to produce the books and papers showing that he has passed his accounts. *Signed* by the Petitioner. *Endorsed* as read this day and rejected. L. J., XVII. 20.

1682. Sept. 18. Commission (Prorogation).—Commission to James, D. Ormonde and others to prorogue Parliament to 30 Oct. *Signed* at

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the top Tho. Cantuar, N. Wrighte, C.J., Jersey, Godolphin. *Dated* as witnessed this day by the Archbishop of Canterbury and the rest of the Guardians and Justices of the Realm. L. J., XVI. 773–4. *In extenso. Parchment Collection.*

1683. Nov. 6. Commission (Prorogation).—Commission, under the Sign Manual, to Prince George of Denmark and others to prorogue Parliament to 13 Nov. *Dated* this day. L. J., XVI. 776. *In extenso. Parchment Collection.*

1684. Dec. 30. Garter's Roll.—A Roll of the Nobility of England delivered to the Clerk of the Parliaments. *Signed* Tho. St. George, Garter. It contains 166 names. *Parchment Collection.*

1685. Dec. 30. Test Roll (30 Car. II. Stat. 2, c. 1.).—Roll for the Parliament begun this day, containing the signatures (137) of Lords to the Declaration in the Act of 1678 for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament. *Parchment Collection.*

1686. Dec. 30. Oaths Roll. (1 Will. and Mary c. 1.).—List of the Peers who took the Oaths between 30 Dec. 1701 and 12 Jan. 1701–2, pursuant to the Act of 1688 for removing and preventing all questions and disputes concerning the assembling and sitting of this present Parliament. *Parchment Collection.*

1687. Dec. 30. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701 to the following Peers, who took the Oaths this day. L. J., XVII. 3, 4.

*(1) Wriothsley, D. Bedford.
(2) Charles, D. Bolton.
(3) George, D. Northumberland.
(4) Charles, D. Richmond.
(5) Charles, D. St. Albans.
(6) John, M. Normanby.
(7) Algernon, E. Essex.
(8) Henry, E. Grantham.
(9) Robert, E. Lindsey, Lord Great Chamberlain of England.
†(10) Fitton, E. Macclesfield.
(11) Charles, E. Manchester.
(12) George, E. Northampton.
(13) Daniel, E. Nottingham.
(14) Edward, E. Orford.
(15) Richard, E. Rivers.
(16) Anthony, E. Shaftesbury.
(17) Nathaniel, V. Saye and Sele.
(18) John [Williams], Bishop of Chichester.
(19) Humphry [Humphreys], Bishop of Hereford.
(20) William [Talbot], Bishop of Oxford.
(21) Richard [Cumberland], Bishop of Peterborough.
(22) William [Lloyd], Bishop of Worcester.
(23) John [Hough], Bishop of Lichfield and Coventry.
‡(24) William, L. Berkeley de Stratton.

* Sat first in Parliament this day after the death of his grandfather.
† Appears among the Lords present this day, but not among those entered as having taken the Oaths, nor on the Test Roll.
‡ *John* Lord Berkeley in L. J.

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(25) John, L. Colepepper.
(26) William L. Dartmouth.
(27) Ralph, L. Eure.
(28) Francis, L. North.
(29) Charles, L. Halifax.
(30) Charles, L. Mohun.
(31) John, L. Pawlett de Hinton St. George.
(32) Lewis, L. Rockingham.
(33) John, L. Somers.
(34) John, L. Vaughan.

1688. Dec. 30. Poor (Defrauding by Select Vestries) Bill.—Draft of an Act for the preventing of the Poor being defrauded, and redress of several other abuses. Identical with No. **1460**, but the provisoes which appear at the end of the Bill are not crossed out [Read 1ª this day. L. J., XVII. 4. 2ª and committed on 15 Jan. following. *Ib.* 17. There were no further proceedings.]

Annexed :—

(*a*) *Undated.* Petition of the Rector and Gentlemen of the Vestry of the parish of St. James's, Westminster. The Bill contains divers things which they apprehend may be prejudicial to their parish. Pray to be heard by Counsel against it. *Signed* by William Wake, Rector, and by 15 other persons.

1689. Dec. 31. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 5.

(1) Edward, E. Jersey.
(2) John, E. Marlborough.
(3) John, L. Haversham.
(4) Peregrine, L. Osborne.

1690. Dec 31. King's Speech.—Draft of King's Speech on opening Parliament this day. L. J., XVII. 6. *In extenso.* [On 31 December, after the Speech had been read by the Lord Keeper, *Moved* to consider of it. *Moved* to appoint a Committee to draw an Address to be presented to his Majesty taking notice of the great indignity done to him and the Kingdom by the King of France owning the pretended Prince of Wales, and the resentment this House has of it. Then the Committee was appointed. MS. Min. L. J., XVII. 7. On 1 Jan., in Select Committee, L Ferrers in the Chair, the first two paragraphs of the King's Speech were read, and an Address was drawn and agreed to be reported. Com. Book. The Address was reported and agreed to, after several alterations had been made in it by the House. *Proposed* that all the Lords sign the Address. *Agreed to.* The House being informed that the King would be ready to receive the Address at 5 o'clock this afternoon, if it were ready, the following Orders were made. Rest as in L. J. MS. Min. On 2 Jan. the Lord Keeper reported his Majesty's answer to the Address presented to his Majesty yesterday, which he received very graciously.* On further consideration of the King's Speech, *Proposed* that the House be put into a Committee to consider of it. In C. W. H., L. North in the Chair, the first paragraph read. *Moved* to appoint a Committee to draw an Address upon that part of the King's Speech which relates to setting the D. of Enjoy [Anjou] upon the Crown of Spain. House resumed and

* The King's answer is set out in L. J., XVII. 9.

L. North reported as in L. J., XVII. 9. *Moved* to appoint a day to consider . . . . *Moved* to address the King to lay before this House the alliances already made. Then a Committee was appointed to draw the Address, &c., as in L. J. MS. Min. On 5 Jan. *Moved* that an entry be made in the Journal taking notice that the Lords signing the late Address to his Majesty, of the 1st instant, was upon an extraordinary occasion. MS. Min.]

1691. Jan 1. Writ of Summons (L. Hunsdon). Writ of Summons to Robert, L. Hunsdon. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 7.]

1692. Jan. 2. Writ of Summons (Bishop of Ely).—Writ of Summons to Simon [Patrick], Bishop of Ely. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 8.]

1693. Jan. 5. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 11.

(1) Charles, D. Southampton.*
(2) John, L. Ashburnham.

1694. Jan. 5. Foreign Affairs (Treaties with Foreign Powers).—Translations of treaties laid before the House by E. Marlborough this day. L. J., XVII. 11. They are as follows:—

(*a*) Translation of the Treaty between the Emperor, his Majesty and the States General. *Dated* 7 September 1701. Printed at length in Jenkinson's Treaties, London, 1715 Vol. I. p. 326, except that in this paper the words, into Italy, are added after the words, his Imperial Majesty was brought under a necessity of sending an army, in the preamble, as well as the names, &c., of the plenipotentiaries at the end of the preamble. There is a Latin version of this Treaty, being the Emperor's counterpart, in Dumont, Vol. VIII. p. 89. *Endorsed* 1.

(*b*) Translation of the Treaty between the King and the States General. *Dated* 11 Nov. 1701, as follows:—

The King of Great Britain and the Lords, the States General of the United Provinces of the Low Countries, having made a mature and serious reflection upon the great alteration happened in Europe, by the deplorable death of the late King of Spain, of glorious memory, have considered that thereby the Most Christian King having made himself master of the whole succession of Spain in favour of his grandson the Duke of Anjou, was by that means grown so formidable that, according to the unanimous consent of all the world, Europe is in imminent danger of losing its liberty, and of suffering the yoke of a universal monarchy, and, as the said potentates desire nothing more than to prevent those great mischiefs by a peace that may be secure, general and of continuance, and that they believe this cannot be done but by strict alliances, and a more than ordinary concurrence of the other princes and potentates, they have to that purpose thought fit to make a firm and solid Alliance with his Imperial Majesty, and to invite other princes and states to come into it, but being persuaded that all

* Entered in L. J. as Duke of Somerset.

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imaginable endeavours will not fail to be used to render the said Alliance ineffectual, either before or after a peace is made, and that amongst many methods, none would be more certain than to separate the said King of Great Britain from the said States General, or to put either of them out of a condition to act, either by the loss of their commerce or the unsafeness of their condition, to which the combination of the Kingdoms of France and Spain and the seizing upon the Spanish Low Countries would infallibly contribute, they found themselves obliged to unite together as firmly as humanly was possible, and to agree upon the necessary means of putting themselves in a posture of having always an eye to the common liberty of Europe, to the preservation of their commerce, and of their own particular safety, and to take from their neighbours all hope of being able ever to separate them, or make them useless to the public. To which end the King of Great Britain has given his full powers to John, Earl of Marlborough, Baron Churchill of Sandridge, of his Majesty's Privy Council, General of his Foot, Commander-in-Chief of his Forces in the Low Countries, and his Ambassador Extraordinary and Plenipotentiary; and the said Lords States General, to the Sieurs Christian Charles, Baron de Lintelo, Lord of Elise, Frederick, Baron de Reede, Lord of Liere, St. Antoine and Terlee, of the Order of the Nobility of the Province of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary of the Province of Holland and West Friesland, Keeper of the Great Seal and Superintendent of the Fiefs of the same Provinces, William of Nassau, Lord of Odijck, Cartgenesse [Cartgine], First Nobleman, and representing the Nobility in the States and Council of Zeeland, Everhard de Weede, Lord of Weede, Dykeveldt Rateles, &c., lord of the manor of the city of Oudewater, Dean and Rector of the Imperial Chapter of St. Mary, at Utrecht, Dykgraaf of the river Rhine, in the Province of Utrecht, and president of the States in the same Province, William van Harren, Grietman of Bilt, Deputy from the Nobility in the States of Friesland, and Curator of the University of Franeker, Burchard Juste de Welvelde a Bucklurst and Molekate, Lord of Zallik and Vekate, Draisart of Ytselmuden, and Wichers Wichers, Senator of the city of Groningen, Deputies and Plenipotentiaries of the said Lords, the States General, who have agreed in manner following:—

(1.) In the first place the defensive and perpetual Alliance made between King Charles II., of glorious memory, and the said States General, the 3rd March 1677–8, shall be renewed and confirmed by this Alliance, in all its forms, as if it were here inserted; and shall hereafter be inviolably executed on both sides.

(2.) And whereas, the said high confederates have mutually promised, in the 3rd article of the said Alliance, to warrant each of them separately all the treaties that they had made to that time, with other kings, princes and states, and which they might after that make, they shall warrant particularly the treaties that the said confederates have made with the Most Christian King, at Ryswick, 20th September 1697 and which they shall make hereafter by concert one with another.

(3.) And, to avoid all sorts of disputes, where the Alliance takes place, regard shall always be had more to the essential

or material than the formal part, for the preservation and defence of any of the parties.

(4.) And, consequently, it shall be reputed a case within this Treaty, not only if any of the allies shall be attacked, but also if any neighbour of the parties does make preparations to attack or threaten any one of the allies, either by extraordinary levy of troops, fitting out of ships of war, or otherwise, in any manner whatsoever, provided any one of the said allies be obliged, out [of] a just fear, to put himself into arms.

(5.) And, since particular care has been taken in the said Alliance, made with the Emperor, for recovering the said Spanish Low Countries out of the hands of the Most Christian King, and that besides that, the principal interest of the allies consists in the preservation of the liberty of Europe, as is above mentioned, the Treaty made by the said confederates with his Imperial Majesty, the 7th September last, shall be truly and faithfully executed, and both of them shall be guarands of the same; and they shall use their endeavours to confirm it, and to render it stronger from time to time.

(6.) And whereas, the security of the said high allies consists particularly in this, that the said Spanish Low Countries, as the nearest to their estates, should not remain in the hands of the Most Christain King, or that he should be directly, or indirectly master of them, as at present he is, they likewise engage themselves in a special manner to assist one another with all their forces for the said recovery, and after they are recovered, it shall be always considered as a case that falls within this Treaty, whenever the Most Chistian King shall endeavour, directly or indirectly, to lay his hands upon them, or shall make preparations to seize upon them, or shall send thither his forces, and the same thing shall be done in case the said Most Christian King shall attempt to get into his hands any lands belonging to the said King of Great Britain, or the said States General, or that he should make preparations to invade them or to send thither his forces.

(7.) In case the said high allies fall jointly into a war, either upon occasion of this defensive Alliance, or by virtue of that which is above mentioned in the 5th article, or for other reasons and motives, there shall be between them an Alliance, offensive and defensive, against those with whom they are in war. And they shall thereto employ all their forces, as well by sea as by land, and shall act jointly or separately, according to the agreement that they shall make among themselves.

(8.) And, that all things may be directed to the end proposed, the said high confederates shall make a specification of the forces, by sea and by land, by a separate agreement.

(9.) When the war is begun they shall act by concert, according to the 7th and 8th articles of the said Treaty of 3 March in the year $167\frac{7}{8}$ and no negotiation shall be set on foot, nor any peace, truce or suspension of arms be made, but pursuant to the 9th and 10th articles of the said Treaty.

(10.) In making the Peace, particular care shall be had of the commerce and traffic of the two nations, as likewise of their safety, as well in relation to the Spanish Netherlands as the neighbouring countries.

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(11.) As to sea affairs, they shall govern themselves in case of a war provisionally, and until some other disposition is agreed on, according to the Treaty, made at Whitehall the 29 April, 1689, which shall be looked upon to that purpose as renewed and inserted in this Alliance, as far as it shall be applicable to the present constitution of affairs, and particularly in relation to prizes, the proportion of ships of war, the council of war, and what depends thereupon.

(12.) As to what concerns ships retaken, the Treaty that was made between the said high allies, the 22nd October 1689, shall be in force, as much as if it were really made.

(13.) This Alliance shall be perpetual, as that of the year $167\frac{7}{8}$ above-mentioned is, and shall be looked upon as a part of it, so far as it may be applied to future occasions.

(14.) The ratifications of this Alliance shall be exchanged on both sides in three weeks' time, to be reckoned from the day of the signing thereof. In Witness whereof the said Ambassador of his said Majesty, and the Deputies of the said States General, have signed these presents, and caused the seals of their arms to be set thereto, at the Hague, the Eleventh of November, in the year 1701.

(L.S.)	Marlborough.	(L.S.)	C. B. V. Lintelo.
		(L.S.)	F. B. de Reede.
		(L.S.)	A. Heinsius.
		(L.S.)	W. de Nassau.
		(L.S.)	E. de Weede.
		(L.S.)	W. V. Harren.
		(L.S.)	B. J. V. Welvelde.
		(L.S.)	W. Wichers.

Endorsed 2.

(*c.*) Translation of a Convention between the King, the King of Sweden and the States General, dated $\frac{26 \text{ September}}{7 \text{ October}}$ 1701, as follows:—

His Sacred Royal Majesty of Sweden, being at this time actually engaged in a war, and the affairs of his Sacred Royal Majesty of Great Britain, and the Lords, the States General of the United Provinces, being in such circumstances that they hourly expect a war, and are forced to be at the same charges and bear the same burthens as if they were engaged in a war, have thought it advisable to agree to the following articles:—

(1.) The treaties which have been formerly concluded between their Royal Majesties aforesaid and the States General, shall be faithfully executed, [and] are hereby confirmed.

(2.) To this purpose, his Royal Majesty of Great Britain and the States General shall, without delay, pay to his Royal Majesty of Sweden two hundred thousand imperial dollars, to be accounted as part of the succours he may demand of them, by virtue of the treaties between them.

(3.) The States General will be responsible for the sum of three hundred thousand crowns, which the King of Sweden shall borrow upon good and sufficient security, according to an obligation which shall be further settled.

(4.) The above-mentioned Kings and the States General shall forthwith name and appoint Commissaries, who shall agree in what manner the confederates may assist one another, in case the war which the King of Sweden is engaged in should continue, and in case the King of Great Britain and the States General should be involved in a war ; and in what manner they may most strongly unite themselves as the present circumstance of time and affairs shall require.

(5.) In the meantime, the confederates shall not treat and conclude anything with any one whatsoever that may be contrary to the treaties made between them formerly, or that may be prejudicial to any of the allies.

(6.) This Convention shall be ratified by every one of the confederates, and the ratifications shall be exchanged here, at the Hague, within the space of six weeks, or sooner if it may be.

In Witness whereof, we, the underwritten Ambassadors and Plenipotentiaries and Deputies, have signed this Convention. Done at the Hague, the $\frac{26 \text{ September,}}{7 \text{ October,}}$ 1701.

(L.S.) Marlborough.
(L.S.) N. Lillieroot.
(L.S.) D. V. Eck V. P. H. V. Gent.
(L.S.) F. B. de Reede.
(L.S.) A. Heinsius.
(L.S.) Johan Becker.
(L.S.) De Weede.
(L.S.) W. Harren.
(L.S.) B. J. Welvelde.
(L.S.) W. Wichers.

Endorsed 3.

(*d*) Translation of the Treaty between the King, the King of Denmark and the States General, dated 15 June 1701, as follows :—

Be it known unto all whom it may concern that, since the affairs of Europe are changed by the death of the Catholic King, his Majesty the King of Great Britain and their High Mightinesses the States General of the United Provinces of the Low Countries on one side, and his Majesty the King of Denmark on the other, have maturely considered that it would be of great advantage for the security of their Kingdoms and Provinces, that their ancient friendship and confidence should be established anew, so that there may be a perfect union of interest and conveniency, and a confident communication between them in relation to all the affairs that may happen in Europe, and that they may faithfully and mutually assist one another, and that to that purpose a defensive alliance should be agreed upon, and his Majesty the King of Denmark being informed that his Majesty the King of Great Britain and the States General had sent orders to their Ministers at his Court, to enter into conference with the Ministers his Majesty shall please to name, to frame such a defensive alliance, has, in like manner, given order to his Ministers to enter into a negotiation thereupon with Hugh Greg, Esq., Resident of his Majesty the King of Great Britain at the King of Denmark's Court, and the Sieur Robert Goes, Lord of Bouckherstburg, their High and

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Mightinesses' Resident at the King of Denmark's Court, who, after divers conferences, and after the communication and exchange of their full powers have agreed upon the articles following:—

(1.) The Defensive Alliances made between his Majesty the King of Great Britain and the Lords, the States General of the United Provinces, on one side, and his Majesty the King of Denmark, on the other side, the 3rd of November 1690, and the 3rd of December 1696, shall remain in their full force, and are confirmed and renewed in all their points and clauses, unless what shall be changed by this present Treaty.

(2.) His Majesty the King of Great Britain and the States General promise to pay, without any abatement, default or delay, the sums stipulated by the above said Alliance of the year 1696, in good money of Holland, at Amsterdam, one half thereof as soon as the troops mentioned in the 10th article of this Treaty shall begin to march towards the frontiers of the States General, and the other half six months after, an exact liquidation of which sums shall be inserted at the end of this Treaty.

(3.) And, whereas it is of great importance for the merchants that the sea should be free and safe, his Majesty the King of Denmark promises to his Majesty the King of Great Britain and to the States General that, for the surety of commerce, in case a war happens, he will shut all the ports and harbours of his dominions against privateers and men-of-war, unless such men-of-war come as convoys to a fleet of merchant ships, in which case they shall have free entrance into his Majesty's ports and havens; but not when they shall convoy particular and separate vessels; and a merchant fleet shall not be reputed such, unless when it is composed of forty ships or more, and it shall be sufficient if it was of that number when it passed the heighth of the point of Jutland, nor is it necessary that it should be so numerous when the men-of-war shall come unto his Majesty's ports, because the merchant ships being arrived at the height, steer towards the Sound, or disperse themselves into several ports of Norway. For the rest, relation is to be had to the fourth secret article of the Treaty of the year 1696.

(4.) His Majesty the King of Denmark shall not longer oppose the Ninth Electorate, but he promises to conform himself to the contents of the 3rd article of the Treaty of 1696 and the 7th secret article of the same Treaty.

(5.) His Majesty the King of Denmark shall not engage himself, nor enter into any treaty whereby the peace of the north may be disturbed, or whereby a third party may be formed, either in the north or in Germany, nor shall foment such disturbances upon the pretence of being thereto engaged by former treaties, but on the contrary, his Majesty shall endeavour to prevent the making of any such treaties, pursuant to the 4th article of the aforesaid Alliance.

(6.) His Majesty the King of Denmark does expressly stipulate liberty of commerce for his subjects, in case a war happens, or troubles arise, but not being willing to suffer strangers to commit frauds, by making use of Danish passports, it is agreed that, immediately after the signing of this Treaty, the Convention which was made in the year 1691, between his Majesty the King of Great Britain and the States General, on the one part, and his Majesty the King of Denmark on the other, on the subject

of trading to France shall be examined, to the end that the said Convention may be altered as far as shall be necessary, for the better preventing of frauds, and until such an alteration shall be agreed by common consent, the said Convention shall be re-established in its first force, and shall serve for a law and rule of the said commerce.

(7.) His Majesty the King of Great Britain and the States General promise to pay to his Majesty the King of Denmark a subsidy of three hundred thousand crowns a year, all the time that the war or the troubles shall continue; to be reckoned from the signing of this present Treaty, and the payment shall be made in good bank money, at Hamburg; one quarter of the sum stipulated every three months. And, in case a war does not happen, but that the present dissensions should be composed by an agreement, and yet that the forces of his Majesty the King of Denmark should be actually on their march towards the frontiers of the States General, his Majesty the King of Great Britain and the States General shall pay, in that case, three months of the subsidy agreed on, besides the levy money of the said troops, and, if an accommodation should be made after this Treaty is ratified, but before the actual march of the said troops towards the States' frontiers, his Majesty the King of Denmark will be satisfied with a year's subsidy, and a fourth part of the sum agreed on for the levies.

(8.) His Majesty the King of Great Britain does likewise promise in particular to pay to his Majesty the King of Denmark what is yet due to him, by virtue of the Convention of 1689, as well for the transporting of 7,000 men into Ireland as in relation to what remains still due and payable to the said troops of their pay, in case it shall appear by an account which shall be stated, that all has not been paid them, and the discount of the one and the other shall be made within a year after the ratification of this Treaty, and payment shall thereupon be made, without any delay, in the city of Hamburg.

(9.) And, to take away every stumbling block, his Majesty the King of Denmark is willing to waive all the pretensions he might have upon the States General, on condition that the States oblige themselves to pay for his Majesty the sums that the Province of Holland and the town of Amsterdam claim from him, and to return to his Majesty the obligations, which his late Majesty King Frederic III., of glorious memory, gave to the said Province and the said city.

(10.) His Majesty the King of Denmark promises to order three thousand horse, a thousand dragoons and eight thousand foot of the Kingdom of Denmark and Country of Holstein, to march to the assistance of his Majesty the King of Great Britain and the States General, immediately after this Treaty is signed, which troops shall be mounted and armed as they ought to be, and provided with proper officers and generals. The said troops shall take an oath of fidelity to his Majesty the King of Great Britain and the States General, in the same manner as the 7,000 men of the Danish troops did formerly to his Majesty of Great Britain when they entered into his service. The granting of vacant offices and the administration of justice shall be upon the same foot as was practised in relation to the said 7,000 men. His Majesty the King of Great Britain and the States General shall pay for the levy of the said troops, eighty crowns for every

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horseman; sixty crowns for each dragoon; and thirty crowns for each foot soldier. One half of the said money shall be paid, as soon as the said troops are actually marching towards the frontiers of the States General, and the other half when they are actually arrived at the said frontiers. The pay and entertainment of the said troops shall be upon the same foot as the other forces of the States General, that is to say, that of the Danish guards, in case his Majesty shall think fit to send a part of his guards, as that of the States Generals' guards, and that of the other ordinary Danish regiments of the States. The payments shall be put into the hands of the Danish Commissaries to be by them distributed, without any abatement or diminution, and shall commence from the day the said troops shall begin their march towards the frontiers of the States General. And, if it should be thought convenient to transport by sea towards the States Generals' countries all the troops that are to come from Denmark, or the Country of Holstein, or any part of them, such transport shall be made at the charges of his Majesty the King of Great Britain and the States General, and it shall be lawful in case of necessity, to make use of the ships of his Majesty the King of Denmark, or those of his subjects, to render the said transport more easy and speedy. His Majesty the King of Great Britain and the States General may retain the said forces in their service as long as they think fit, and when they have a mind to send them home they shall give notice thereof to his Majesty the King of Denmark three months beforehand. In the meantime, if any rupture or war shall happen, the said troops shall, notwithstanding that, continue in the service of his Majesty the King of Great Britain and the States General, as long as the war shall continue, unless his Majesty the King of Denmark shall be attacked in his kingdoms and territories, for having supplied them with the said forces; in which case his Majesty the King of Denmark reserves to himself the right and power of recalling them, as soon as he finds it necessary.

(11.) In case that by misfortune, one or more regiments or companies of the said forces happen to be ruined, his Majesty the King of Great Britain and the States General promise to pay, without any delay, to the colonels or captains of the regiments or companies so ruined, the levy money necessary to restore them to the same condition they were before; and at the end of the campaign the same recruit money shall be paid to the Danish officers, as is paid to the other officers of the States General, that so the said forces may always be preserved in a good condition, to be sent back, some time or other, as complete as they were received.

(12.) In like manner his Majesty the King of Great Britain and the States General promise that, if his Majesty the King of Denmark shall be attacked or troubled in the possession of his kingdoms, provinces, lands, prerogatives, tolls, navigation, commerce or other rights, they will speedily send back to him the said forces, giving them one month's pay to bear the charges of their return homewards which payment of a month's pay shall be made in like manner, when, after the peace, the said forces shall be sent home, and besides that, they shall send to his Majesty the King of Denmark, the succours by sea and land agreed on in the secret articles of the Treaty of the year 1690, which succours

they shall maintain during the war, at their own proper charges, his Majesty the King of Denmark not being obliged to supply the said forces with any thing but bread and forage.

(13.) And, to make this Alliance and Union so much the more perfect and not to leave any scruple in the parties concerning the certainty of the succour they are to expect from one another, in the manner before agreed on, it is expressly covenanted that to make a judgment hereafter, whether this Alliance is to take place or not, it shall be sufficient that any of the parties be actually assaulted by force of arms without his having first used open force against the assailants, but this article shall be applicable only to the occasions that shall happen hereafter. For the present the succour of twelve thousand men shall march towards the frontiers of the States General, as soon as this Treaty shall be signed, as is mentioned in the 10th article.

(14.) This Alliance shall continue the space of ten years, to be reckoned from the day of the signing of this Treaty, and the Alliances of 1690 and 1696 being renewed by this Treaty, shall remain in force for the same term of ten years.

(15.) The Emperor shall be invited to enter into this Alliance, and, if the King of Prussia, the House of Lunenbourg and that of Hesse Cassel shall desire to be comprised in it, the principal contractors are at liberty to consent to it, after they have agreed amongst themselves of the conditions upon which the said potentates may be received into it.

(16.) The ratifications of this present Treaty shall be exchanged at Copenhagen in six weeks' time, on the side of his Majesty the King of Great Britain, and in four weeks on the part of the States General, to be reckoned from the day of the signing of this Treaty. In testimony whereof, we have signed this Treaty and set thereto the seals of our arms. Done at Copenhagen, the 15th of June, in the year 1701.

H. Greg. (L.S.)

Endorsed 4. [Another translation, slightly different, is printed in Jenkinson Treaties, London, 1785, Vol. I., p. 331].

(*e*) Translation of the secret articles of the Treaty with Denmark, dated 15 June 1701, as follows :—

(1.) In case the succours which his Majesty the King of Denmark has promised in the 10th article of the Treaty, concluded this day, to send to his Majesty the King of Great Britain and the States General should not be sufficient to put them out of pain and care, the said potentates shall give notice thereof to his Majesty the King of Denmark, who promises to keep in a readiness for them four thousand men, to be sent to their assistance within three months after demand is made, upon the same conditions which are agreed on in the said 10th article of the Treaty, concluded this day, which is referred to. As to what concerns the levy, the pay, the recruits and entertainment of the said troops, and, as to the manner in which they are to be sent home, that shall be observed that is agreed on in [the] 12th article of this Treaty for the other troops. His Majesty the King of Great Britain and the States General may act with these 4,000 men, as also with the 12,000 men mentioned in the 10th article of this Treaty, in such place and against such enemies as they shall think fit, and they shall be regularly paid.

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(2.) If it should happen that his Majesty the King of Denmark should be attacked by any potentate, on occasion of this defensive Alliance, or otherwise, and that the ordinary succour stipulated in the secret articles of the Treaty of 1690 should not be sufficient to procure him a good and advantageous peace, his Majesty the King of Great Britain and the States General promise to assist him with all their forces, by land and by sea, as his Majesty the King of Denmark will in the like case assist his Majesty the King of Great Britain and the States General with all his forces by sea and by land.

(3.) His Majesty the King of Great Britain and the States General do likewise promise to do, by their good offices, all that is possible, to the end that his Majesty the King of Denmark may lose nothing of the pretensions he has of money from the Crown of Spain, to the intent that, by the treaty of peace, the Catholic King should be obliged to discharge the said pretensions within a time limited, and in case a war or rupture does not happen, they shall endeavour to have that payment conditioned in any treaty that they shall make with France or Spain.

(4.) Moreover, his Majesty the King of Great Britain and the States General promise to employ their good offices with care and diligence, to the end that the Emperor may pay to his Majesty the King of Denmark, a million of crowns which are owing to him by the Emperor and the Empire, or else that his Majesty may have satisfaction for that debt, in some sufficient manner, either by a grant of a toll upon the Elbe, or otherwise, and, when he shall have received the said satisfaction, he promises to assist the Emperor in case of need, with 3,000 foot soldiers, on the conditions agreed on in the 6th article of the Treaty, made between the principal contractors in the year 1696.

(5.) Furthermore, his Majesty the King of Great Britain and the States General promise to use their good offices, with all possible efficacy, to the end that the Duke of Holstein Gottorp may conform himself to the Treaty of Travondal, and observe the true and natural sense of it, and that his Highness may maintain good friendship and confidence with his Majesty the King of Denmark to take away all sort of jealousy while his Majesty sends so considerable a number of his troops out of his own dominions.

(6.) The principal contractors shall employ their good offices that the peace in the Empire may entirely be preserved.

(7.) His Majesty the King of Denmark having declared to his Majesty the King of Great Britain and the States General that he is in treaty with the Emperor for some troops that his Imperial Majesty has demanded of his Danish Majesty, and that his Danish Majesty has not troops enough to give the Emperor the number he requires, unless his Majesty the King of Great Britain and the States General will, by way of provision leave to the Emperor 2,000 men of the 12,000 mentioned in the 10th article of this Treaty. His Majesty the King of Great Britain and the States General have declared that they are content that the Emperor should have 2,000 men of the 12,000 mentioned in the 10th article aforesaid, and his Majesty the King of Denmark promises to make good to his Britannic Majesty and the States General the said 2,000 men in six months' time after the signing of this Treaty.

(8.) Although it is said in the 3rd article of this Treaty that a fleet of merchantmen shall not be taken for such, unless it shall consist of 40 merchant ships, or upwards, the King of Denmark does declare that, as the English cannot in that manner trade freely and in safety in his dominions and in the Baltic Sea, his Majesty will permit their ships of war at all times to enter into his ports, when they come to convoy inwards or outwards such a number of merchant ships as they shall think fit.

(9.) His Majesty the King of Great Britain and the States General promise that they will before the ratification of this Treaty, agree with his Majesty the King of Denmark about such assurances for the security of the payments as his Majesty may be satisfied with.

(10.) In case things should come to a war his Majesty the King of Denmark shall not be obliged to enter into it, but shall be reputed to have made good this Alliance in sending the succours of 16,000 men mentioned in the 10th article and first secret article, and for the rest putting in execution the contents of this Treaty. Done at Copenhagen, this 15th June 1701.

H. Greg (L.S.)

Endorsed 5.

1695. Jan. 5. Jacobite Plots (William Fuller).—Petition of William Fuller, Gent. Petitioner has long groaned under intolerable misfortunes occasioned through the immaturity of his judgment, which was so easily imposed on by the perfidies of Col. Thomas Dalleval and Mr. George Hayes, for whose appearance Petitioner engaged to the House of Commons, intentionally for the Nation's service, though the event proved contrary; and for their failure Petitioner incurred the displeasure of the House. He presumes that most of the present members of the Commons were present when his informations were read in 1691, when also L. Preston's and Mr. Matthew Crone's confessions, which confirm them on oath, were laid the same day before the House. Prays mature consideration of his unhappy case, having been ensnared by the artifices of the late King and his adherents employed for that purpose, with a design to prevent Petitioner's discoveries of the true mother of the pretended Prince of Wales, and concerning their horrid and bloody designs against his present Majesty, Mr. Thomas Jones is now in England, who was privy to that intrigue of Dalleval and Hays, and was ordered to attend the House of Commons with them on Feb. 23, 1691–2, but that same day escaped to France with them by the help of a pass. Petitioner is ready to produce Jones and the pass, with witnesses to prove Jones paid 500 guineas at the Secretary's office for the pass, and sums amounting to 6,000*l.*, by order of the late King and Queen, to baffle Petitioner. Prays leave to lay before Parliament the voluntary affidavits of 45 persons of honour and worth, to prove the whole management of the suppositious birth of the pretended Prince of Wales, with names and residences of the deponents. Repeats, and the truth is known to many, that he was the first who discovered to King William Col. Parker's and the Chevalier Grandvil's design of assassinating him in Flanders, where the latter suffered for the same and confessed his horrid intentions. Petitioner has been long reduced to great extremity, though some great men have gained honour and advantage by his discoveries, leaving him to starve even for want of the money he had disbursed in the Nation's service, as D. Shrewsbury has certified by his own hand. He has for several years been the object of the most inveterate hatred of the late King and his adherents, both

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here and in France, and has been falsely and maliciously abused by several scandalous libels written and publicly owned by William Pettis for Abel Roper and Chantry, booksellers, published by John Nutt and advertised by Ben Beardwell in his *Post Boy*, tending to deceive the people by pretending to justify the legitimacy of the pretended Prince of Wales; and Pettis has declared he is resolved and proud to vindicate that impostor whom he terms King James III. Petitioner can prove himself innocent of the crimes laid to his charge. Prays his case may be considered, and that he may be made as dreadful an example as the greatest impostor that ever lived if he does not prove each particular in this case; and for leave to publish the depositions of Thomas Jones and Thomas Witherington, Esqs., at length, with the names of those mentioned therein who have taken bribes from France to ruin this Nation. *Signed* by Petitioner [Enclosed in a letter to L. Keeper, and read this day, together with two of Fuller's books. Fuller and Mrs. Baldwin, who dispersed the books, were sent for. L. J., XVII. 12. On 7 Jan., after Mrs. Baldwin's examination as to her authority for publishing the books,* Fuller was examined as to the existence of Jones and the authorship of the books. *Ordered* that no person speak with Mr. Fuller until the rising of the House.† *Mr. Fuller* was called in again. *Asked* whether Mr. Jones be known to any of the Lords or Commons? *He says*, I cannot affirm he is. *Q.* Name any man that has known him. *A.* One Mr. Ingram, a kinsman of mine, is gone for him. Mr. Ingram lives at Richmond. Several persons in Hampshire know him. One Earle, of Southampton, knows him. Some part of his estate lies in Shropshire, some in Dorsetshire, and some near Redbridge, in Hampshire. If I do not produce Mr. Jones in five days, I will suffer all the severities the House can lay upon me. He withdrew. *Moved* that the printer be sent for by a messenger, and that the copy be brought by which he printed the book. *Mr. Fuller* was called in. *Asked* who printed the book for him? *A.* One Buck had the book to print. He lives at Temple Bar. I do not remember I put in the paragraph I was asked about in the preface. *Ordered* that William Fuller do go with a messenger to Mr. Buck and fetch the copy, and Mr. Buck to attend immediately, and, if the copy be not there, to bring Mr. Buck. . . . . Mr. Hancock, the messenger sent with Mr. Fuller for Mr. Buck and the copy by which he printed Mr. Fuller's book, was called in. *Says* they have been at Mr. Buck's shop, and he was not at home; and went to his house, and he was not there. *Mrs. Baldwin* was called in. *Says* she has not the copy. She does not know but she can produce it. She believes it is in Buck's hands. *Ordered* that one of the officers keep Mr. Fuller company until to-morrow, and that a messenger look for Mr. Buck, as ordered, and that Mr. Buck attend to-morrow. *Ordered* that Mr. Fuller do, on Wednesday next, produce Mr. Thomas Jones, mentioned in his Petition, and that Mr. Jones have the protection of this House. Then follow Orders for the messenger to keep Fuller in custody until the sitting of the House the next day unless Buck produced the copy, and that Buck be forthwith taken into custody, and that the messenger seal up the copy and that no one speak with him until the following morning; and an expunged entry that the House was informed that one had spoken with Buck, and he is gone for the copy. Then Fuller was called in and told the Order made as to his producing Jones. The

* L. J., XVII. *In extenso.*

† This Order occurs after an expunged Order that he be kept by himself until further Order.

House was informed that Buck had sent the papers. A man was called in and delivered the papers, which he said he had from Buck; and Buck was at the Horn Tavern. *Mr. Buck* was called in and shown the papers. *He says* he had those papers from Mr. Fuller. There is no alteration or interlineation but one, which was made by Mr. Wever. The rest of Buck's examination is as in L. J. *Ordered* that Wever do attend to-morrow. MS. Min. L. J., XVII. 13.

On 8 Jan. a letter from Fuller complaining of close confinement in the Fleet (Annex (*a*)) was read. *Ordered* that the Warden of the Fleet and Fuller attend immediately. After some time the Warden of the Fleet was called in and told what Mr. Fuller complained of. *He says* Fuller was committed to him for mean actions: I thought fit to confine him, that I might be sure he should attend the House. *Q.* How came you to confine him last night? *A.* I was neither directed nor desired by any person in the world. Then follows an expunged Order that Mr. Fuller shall have the protection of this House till Wednesday next. The rest as in L. J., XVII. 14. MS. Min.

On 9 Jan. *Moved* that Fuller name any person to attend him, that he may be sure [desire] to attend him, and that he may be sent for and this to be told him. *Ordered* that William Fuller be sent for to attend the House presently. *Ordered* that when an Order is made the Clerk shall read the Minutes, and then the Lord Keeper shall ask the consent of the House before it is settled. Then the Order for the L. Keeper to write to Mr. Thomas Hobby and Sir John Hobby was made. House was informed that Fuller was at the door. He was called in. *Asked* what Englefield's Christian name is? *He says* it is John. *Asked* out of his book concerning what Minister of State he showed these depositions to. *A.* Mr. Jones went to the Secretary, and I could not get admittance. I carried the depositions to the Secretary's Office, and I published them. I spake with Mr. Ellis and acquainted him that Jones was ready to make his deposition. . . . *Asked* if he have the pass he says in his book. *He says* he has not, but Mr. Jones has. . . . *Ordered* that Mr. Ellis attend this House presently. *Moved* that Mr. Fuller be called in and *told** that he *should* send [the names of those members of the House of Commons *or others* that saw] *to this House a list of those names he says in his book saw* Delavall [Dalleval] and Hayes. *Proposed* that Mr. Fuller be called in and told that he should send to this House to-morrow a list of those [names he mentions] *persons he says* in his book [to have seen] *saw* Delavall and Hayes in the Lobby of the House of Commons. The rest as in L. J., XVII. 15. MS. Min.

On 19 Jan. after Fuller had stated that a warrant to secure Jones had been refused, he added, Mr. Jones stayed after this with me, but when he heard the Secretary would not grant his summons he went out of town. . . . After the Order to the Deputy Gentleman Usher to attend Fuller in his lodgings, *Moved* to censure Mr. Fuller's book, or him, and the Resolution thereupon was carried by 35 votes to 20: Tellers, E. Stamford, L. Mohun. In addition to the Orders entered in L. J., XVII. 19. *Ordered* that the Deputy Gentleman Usher do deliver Fuller to the Warden of the Fleet. MS. Min.

On 20 Jan. *Mr. Prime*, who, as Fuller stated, had supplied him with money, was examined. *Asked* what he had given him, and whether he had any money from any others to give him? *He said*, I have lent him some; I believe, near 20*l.* I had hopes to have it again. I have not received any of any other. . . . *Asked* what other man, (besides

* Additions in italics, omissions in square brackets.

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Mr. Robert Murrey), had advised him to furnish Mr. Fuller? *He said*, I do not know any person but Mr. Robert Murrey. He lodges in New Street, at a sword cutler's; and Mr. Murrey is without. *Mr. Robert Murrey* was then examined. *He said*, among other things, that he had heard Fuller was under the censure of the Commons, and that he did not know any other person, (except Prime), that lent him money. *Asked* if he was spoken to [by] any person to procure him money? *Said*, I cannot say anybody did. I knew him by seeing him at the printing house. . . . *Ordered* Mr. Prime and Mr. Murrey to be at liberty. Rest as in L. J., XVII. 20. MS. Min. On 10 Feb. the Attorney-General acquainted the House he could not try Fuller this term, as requested by a letter from him, but could try him before the Commissioners of Oyer and Terminer at the Old Bailey. *Ordered* that he do accordingly prosecute him before the said Commissioners. *Ordered* that the Attorney-General do send Sir Lacon William Child and Mr. Rogers to Fuller and assure him that he shall have the protection of this House for Mr. Thomas Jones and Mr. Englefeild, if he will produce them. This was altered to the Order entered in L. J., XVII. 32. MS. Min. On the Masters' Report on 11 Feb. *Ordered* that the Attorney-General do prosecute him with the utmost severity with all speed, as in L. J., XVII. 32. MS. Min. On 6 May 1702 *Moved* that Mr. Buck, the bookseller, be made use of as an evidence at Fuller's trial. *Ordered* that Mr. Attorney-General forbear to prosecute Mr. Buck, and that he be made use of at the trial of Mr. Fuller. MS. Min. L. J., XVII. 116.]

Annexed:—

(*a*) 8 Jan. Letter from Fuller to the Lord Keeper. On his return from the House yesterday to the Fleet, where he has been many years a prisoner, lodging in the Rules, the Warden shut him up a close prisoner, so that it will be almost impossible for him to produce Jones and other witnesses. Prays for an Order that he may go abroad in custody. If he had done or offered anything he could not compensate for, he might easily have absconded yesterday; and, if by this restraint his endeavours are prevented, as they have been very often by cruel, unlawful and subtle devices of men in power, he hopes such a miscarriage will not be imputed to him. He knows his friends will shun him whilst he is in that place, and, having no fortune of his own, he will be destitute of all necessaries. If he may obtain an absolute necessary assistance, he doubts not but by Wednesday next at furthest he will be able to convince their Lordships how greatly he has been abused, how falsely matters are represented against him, and that there is such a man as Mr. Thomas Jones, who will most plainly prove the contents of what he has published at his request. *Signed* W. Fuller. *Dated* this day. *Endorsed* as read this day. L. J., XVII. 14.

(*b*) 12 Jan. Letter from the same to the same. Finds the papers containing the names of persons that saw Dalleval and Hayes in the Lobby are in the country, where he has lately been for some time. He has sent for them. Mr. John Ingelsfeild [Englefield], who is his nearest relation, and has a competent fortune and truly loves the present Government, and at whose house Mr. Jones and his family are, assures him that Jones will make good what he has engaged for him. Jones having given him several undeniable proofs of his desire and ability to serve the Government, after several disappointments, Fuller brought him and Ingelsfeild to be intimately acquainted. In February last Mr. Jones desired

him to inform Mr. Secretary Hedges that, if he would grant a warrant against him, he would not only surrender himself to a messenger, but desired that Father Johnson, Mr. Barkenhead and several others, dangerous conspirators then in England, might be inserted in the warrant. Mr. Jones promising to deliver them into the hands of justice. Upon this, unknown to Fuller, a warrant was given to Mr. Nicholas Hill, messenger, and Fuller coming next day to Mr. Ellis and asking when the warrant would be ready, the latter answered that a messenger was already gone with it. Fuller told him it was strange to send to take Mr. Jones without inquiring of him what house he was at or what name he went by, for he was then newly come from France and not publicly known. After this the same messenger, with four more and Mr. Fuller, were sent down to seize Mr. Jones and the others, and when they were come near the places they were at, Fuller told the messengers where the persons to be taken were, and they might execute their warrant. Upon which they consulted amongst themselves and told him they had not power to enter or search those houses, and they could not. Then he and they wrote to the Secretary begging a full power, and he offered to procure affidavits in the country that those men were there; but no warrant was sent them, though two of the messengers went to Whitehall for one, the rest, with him, staying some days in expectation of it; but none came and the messengers were ordered home. After this Mr. Ingelsfeild went to Mr. Jones and was advised by him to get his affidavit made before Mr. Hobby, a Justice of the Peace; but Mr. Ingelsfeild tells him Mr. Hobby was not at home, so the affidavit was taken by a Justice living near Mr. Ingelsfeild, who will be in town next week with Jones and Ingelsfeild. Fuller was not aware of this, as he had been told it would be taken before Mr. Hobby, and had seen letters to the same purpose. Begs pardon for mentioning Mr. Hobby's name. Had only been shown a part of the affidavit which related to himself and some other small matters necessary to be published in order to bring the whole before Parliament. Mr. Ingelsfeild took security of Mr. Jones that he might not leave Fuller, and they came to town together last Session and stayed while Fuller endeavoured to bring the matter to a hearing and the latter part of the summer; and very lately they stayed about Richmond and Hampton Court to be in readiness, if Fuller could have prevailed, as he often endeavoured, to get the Secretary of State to examine Mr. Jones and to read over his affidavit. Mr. Ingelsfeild thinks himself in honour obliged to take care of Mr. Jones, who, for many reasons, desires he may not be exposed until he has appeared before the House. Mr. Ingelsfeild is returned home to carry the Lords' Order for Mr. Jones to attend them, and has encouraged Fuller confidently to affirm he will produce Mr. Jones with the Justice of the Peace and the original affidavit. Prays for two or three days more for Mr. Jones' appearing, as he is 80 miles off and, being troubled with gravel, must come in a coach; and, if this further time be allowed him, he desires to be used with the utmost severity if he does not produce Mr. Jones. Begs their Lordships' protection, as he receives so many abuses that his life is in danger. *Signed* W. Fuller. *Dated* 10 Jan. *Endorsed* Mr. Fuller's 2nd Letter. Read 12 Jan. 1701. L. J., XVII. 16.

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(*c*) 12 Jan. A Paper from Mr. Fuller received 12 Jan. 1701. In March 1697, to the best of my remembrance, it was when ——— Gunter Esq. and Mr. William Prise, (who both knew Mr. Thomas Jones very well), did, at the Rumer Tavern at Charing Cross, give me the names and places of abode of several persons to whom they showed Col. Dalleval, Mr. Geo. Hayes and Mr. Tho. Jones in the Lobby of the House of Commons on 22 Feb. 1691–2, which they, the said Gunter and Prise, certified under their hands and seals in the presence of John Arnald, Esq., and others, who signed the said certificate as witnesses; which certificate is now in my trunk at my kinsman's, Mr. Ingelsfeild's, and I have sent for it, as witness my hand this 12th day of January 1701–2. *Signed* W. Fuller. *Endorsed* A paper from Mr. Fuller received 12 Jan. 1701.

(*d*) 19 Jan. Letter from Fuller to the Lord Keeper. For his own security, by Mr. Jones' consent, he went on Wednesday to Mr. Stannion, secretary to E. Manchester, for a warrant and messengers to fetch up Mr. Jones and to secure him until discharged by the House. E. Manchester answered he would not have to do with that matter; it being before the House of Lords. He hoped his Lordship would have informed the House yesterday of his request, but hearing nothing of it, he waited last night to have spoken to the L. Keeper on the same account. Mr. Jones is now come nearer town, but is resolved to advance no further unless he be brought in custody, because of the many devilish devices to ruin him and Fuller. The enclosed pamphlet published yesterday is such an abuse as surely was never before put on any man that endeavours, at his own expense and hazard of his life, to serve the Government, and is a violent presumption, the Lords having granted their protection to Mr. Jones, that some men both fear and would prevent his coming. Fuller has been in danger three times to be murdered as he was coming from the House. He can prove what was printed against him to be notoriously false. Prays for a power, with messengers to fetch up Mr. Jones in a coach, that he may be before the House on Monday next, and desires to be sent in custody to fetch him, without which he cannot safely proceed; and, if he fails to do so, he is ready for bonds or imprisonment. *Signed* W. Fuller. *Dated* 16 Jan. *Endorsed* as delivered to L. Keeper on 16th and read this day. L. J., XVII. 18.

(*e*) 19 Jan. Letter from the same to the same. Mr. Jones still resolves not to appear unless fetched in custody or that the Lords pass an Order to hear and protect his witnesses. Cannot doubt but his Lordship and L. Manchester will inform the Lords what he has done to obtain a warrant to secure Jones, whom he would have produced this day had he obtained it. Has waited three times on L. Keeper on the subject. If he obtain a warrant and messengers, he will produce Mr. Jones in two or three days. *Signed* W. Fuller. *Dated* 19 Jan. *Endorsed* as delivered to L. Keeper and read this day. L. J., XVII. 18.

(*f*) 19 Jan. Letter from Mr. Hoby to L. Keeper. Knows no such person as Mr. Thomas Jones or Mr. John Englefield, nor did he ever take any deposition from either of them or any other concerning the matter set forth in Fuller's book. Had he done so, and not transmitted it to some Privy Councillor or Minister of State, he would not think himself worthy to be continued in Commission of the Peace. Will, if required, confront Jones,

Englefield and Fuller, and do his best to bring them to the utmost punishment that such villains deserve. *Signed* Tho. Hoby. *Dated* Bicktor, 14 Jan. *Endorsed* as read this day. L. J., XVII. 18.

(*g*) 19 Jan. Letter from Sir John Hoby to the L. Keeper. Never saw Mr. Thomas Jones or Mr. John Englefield, or took any depositions from either. Had he done so, his zeal and affection to the present Establishment would have obliged him to transmit them to his Lordship or a Secretary of State. *Signed* John Hoby. *Dated* Somerley, 14 Jan. *Endorsed* as read this day. L. J., XVII. 18.

1696. Jan. 7. Security of the King's Person, &c., [H. L.] Bill.—Amended* Draft of an Act for the security of his Majesty's person and government, and for maintaining the succession of the Crown according to the two late Acts of Parliament. Whereas by an Act, made in the first year of the reign of his most Excellent Majesty and the late Queen Mary, of blessed memory, intituled an Act declaring the rights and liberties of the subject and settling the succession of the Crown, and by another Act, made in the twelfth year of his Majesty's reign, intituled an Act for the further limitation of the Crown and better securing the rights and liberties of the subject, the Crown and royal dignity of this realm and the dominions and territories thereto belonging and the succession thereof was declared, settled, limited and appointed in such manner and form as by the said Acts respectively does appear; and Whereas, since the making of the said Acts, the pretended Prince of Wales, by the incitation and encouragement of the French King, in whose dominions he now remains, and also by the practices and instigations of divers wicked and traitorous persons, meaning and desiring to disturb the peace and repose of your Majesty and your Kingdoms, and create divisions therein, has most unjustly taken upon himself the name of King James the Third, and to use the style and title of King of this realm and other your Majesty's dominions, in open defiance of the good and perfect provision made for the certainty of the title and succession of the Crown by the several Acts of Parliament before-mentioned, upon which Acts the safety of your Majesty's person and of the persons of your successors, the peace of your subjects and their posterity, and the security of the Protestant religion and the liberties of the Kingdom do *under God* entirely depend; We your Majesty's most dutiful and loyal subjects the Lords Spiritual and Temporal and Commons in this present Parliament assembled, most seriously calling to remembrance the divisions which in times past have arisen within this realm, by reason of several pretenders to the Imperial Crown thereof, and being heartily solicitous to prevent the like for the future, and firmly believing that the most effectual way of discouraging the traitorous and wicked designs of such as mind to disturb the quiet enjoyment of the Crown of this Realm by your Majesty and the persons intituled to the succession of the same, according to the before-mentioned Acts, will be by making it evidently appear to the world that your Majesty's loyal and dutiful subjects are in the strictest and most solemn manner united and associated in defence of your Majesty's most sacred person and your most rightful and undoubted title to the Crown and royal dignity of this realm, and in support and maintenance of the succession of the same in such order, manner and form as the same now stands established by the said two Acts; and also

* Additions in italics; omissions in square brackets.

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that your Majesty's good and loyal subjects will be the better fortified and encouraged, according to their bounden duty, to expose and hazard their persons and estates in defence of your Majesty and the said succession of the Crown when they assuredly know and are satisfied that they stand, every of them, engaged, by their voluntary and express declaration of themselves upon oath, to assist one another in the support and maintenance of the same; Do most humbly beseech your Majesty that it may be enacted, and be it enacted, &c.

i. That it shall be lawful for any person or persons within this realm, or other your Majesty's dominions, above the age of sixteen years to make a corporal oath upon the Holy Evangelists before such person or persons as your Majesty under the Great Seal of England or under your Majesty's Privy Seal shall assign and name to administer the same, according to the tenor and effect following, that is to say,

> I, A.B., do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world that our Sovereign Lord King William is lawful and rightful King of this realm, and of all other his Majesty's dominions and countries, and I do utterly testify and declare that I do believe in my conscience that the person pretending to be, or commonly called or known by the name of Prince of Wales, during the life of the late King James, and since his death pretending to be, or taking upon himself the style or title of King of England, by the name of James the Third, has no right or title whatsoever to the Crown of this realm, nor to any other the dominions thereto belonging: And I do solemnly declare that I renounce, refuse and abjure any allegiance or obedience to him the said James [now and for all time hereafter].* And I do make this recognition, declaration and renunciation heartily, willingly and truly, upon the true faith of a Christian, without any equivocation or mental reservation or secret evasion whatsoever. And I do swear that I will bear faith and true allegiance to his Majesty King William, and him will defend to the utmost of my power against all persons, conspiracies and attempts whatsoever, which shall be made against his Person, Crown or Dignity, and will do my best endeavour to disclose and make known to his Majesty all treasons and traitorous conspiracies which I shall know or hear of to be against him, and I will, to the uttermost of my power, support, maintain and defend against him, the said James, and all other persons whatsoever, the succession of the Crown according as the same does now stand limited and settled by an Act intituled an Act declaring the rights and liberties of the subject and settling the succession of the Crown and by another Act intituled an Act for the further limitation of the Crown and better securing the rights and liberties of the subject, according to such order and manner as the same is limited and set down in the said respective Act.

ii. And be it further enacted by the authority aforesaid that the said person or persons who shall be authorised and assigned, as aforesaid, to administer the said oath shall accordingly cause the several persons, from time to time offering themselves to make the said oath before them, to subscribe the same in one or more rolls of parchment to be prepared for that purpose and shall not require or take from any

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* These words were carefully obliterated in the Draft before it was brought in, and are almost illegible.

person offering to make the said oath any fee or sum whatsoever upon account of administering, making or subscribing the said oath.

iii. And be it further enacted by the authority aforesaid that the said persons appointed to administer the said oath shall from time to time transmit the said rolls of parchment, wherein the subscriptions are made as aforesaid, to his Majesty's Court of King's Bench, in case the said oaths were administered and subscriptions made within the cities of London and Westminster or county of Middlesex; or in case the said oaths were administered and subscriptions made in any other county or place, then to transmit the said rolls to the Court of Sessions of the Peace for the said county or place, there to remain of record.

iv. And be it further enacted by the authority aforesaid that it shall be lawful at any time or times hereafter, and from time to time, when it shall please his Majesty to authorise any person or persons under the Great Seal of England or under his Majesty's Privy Seal, as to his Majesty shall seem good, to offer and tender the oath hereinbefore mentioned to any person or persons whatsoever, and the said person or persons so authorised are hereby required to tender and administer the said oath to every such person, and to cause the said person, at the time of making the said oath, to subscribe the same in one or more roll or rolls of parchment to be provided for that purpose; and the said persons so authorised shall not demand or take any fee or reward whatsoever upon account of administering, making or subscribing the said oath. And, in case any person or persons to whom the said oath shall be tendered as aforesaid shall refuse the same or shall absent himself in such manner that the said oath may not be tendered to him according to the intent of this Act, the persons authorised to tender and administer the said oath shall cause such refusal or absenting to be entered upon such roll or rolls of parchment, and the said person or persons so authorised to tender and administer the said oaths are hereby required to certify the said rolls of parchment from time to time with all convenient speed under their hands and seals to his Majesty in Council, there to remain and to be kept together with the Council Books, or otherwise to be transmitted into the Court of King's Bench, there to remain upon record, as to his Majesty shall seem most expedient.

v. And be it further enacted by the authority aforesaid that on or before the *second* day of *February 1701*, the Lord Keeper of the Great Seal of England or other Speaker of the House of Lords for the time being shall cause the said oath to be tendered to every member of the said House of Lords, and the Speaker of the House of Commons for the time being shall cause the said oath to be tendered to every member of the said House of Commons, during the sitting of the respective Houses, at the Clerks' Table in the said Houses respectively; and every member of either of the said Houses taking the said oath shall at the same time subscribe the same in a roll of parchment to be prepared for that purpose and to be kept and preserved in the said Houses respectively. And, in case any member of either of the said Houses shall refuse to take the said oath, such refusal shall be entered upon the said roll, and the said Lord Keeper of the Great Seal of England, or other Speaker of the House of Lords, and the Speaker of the House of Commons shall [cause] *summon* every member of either of the said Houses who shall not be present in the said respective Houses at the time of tendering the said oath, as aforesaid, to attend in person at a certain day in order to have the said oath tendered to him.

vi. And be it further enacted that, from and after the *said second* day of February, no person then being or that shall at any time

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[here]after be a member of either of the said Houses of Parliament shall give his vote in either of the said Houses, or sit there during any debate, until such time as the said oath shall be tendered to him, upon pain of incurring the like penalty, forfeiture and disability as if he had been present at any debate or given any vote in either of the said Houses without having first made, repeated and subscribed the declaration mentioned and enacted in an Act of Parliament, made in the thirtieth year of the late King Charles the Second, intituled An Act for the more effectual preserving the King's person and government by disabling Papists to sit in either House of Parliament.

vii. And be it further enacted by the authority aforesaid that if any person or persons whatsoever, authorised or required, according to the intent and meaning of this Act, to tender the said oath to any person or persons, shall refuse or neglect to do or perform any matter or thing in and by this Act required, such person or persons, being thereof lawfully convict, shall incur the danger and penalty of præmunire mentioned in the Statute of Præmunire, made in the sixteenth year of King Richard the Second.

[On 2 Jan., after a Committee had been appointed to draw an Address assuring the King that the House would stand by him against France, which was the result of a debate on that part of the King's Speech which related to the French King's acknowledgment of the Pretender, *Moved* to give leave for [blank] for [securing]* *the more effectual security of* the King's person; [for the maintaining] the succession *of the Crown* in the Protestant [line] *religion*, according to the late Acts of Parliament [in the Protestant] and the liberties of England against the pretended Prince of Wales and all other pretenders whatsoever. *Agreed to. Ordered* that the L. Wharton and L. Haversham do prepare and bring in the Bill. MS. Min. L. J., XVII. 9. Accordingly, on 7 Jan., L. Wharton brought in this Bill, which was read 1ª, and all the Lords were summoned to attend the Second Reading. MS. Min. On 12 Jan. it was read 2ª and committed to C. W. H. presently. L. J., XVII. 12. In C. W. H., L. Herbert in the Chair, the title and preamble were postponed, and the first enacting, clause, the Oath, was read. After debate, an amendment was offered to leave out after the word, Third, the words, has no right or title whatsoever to the Crown of this Realm, nor to any other the Dominions thereto belonging; and I do solemnly declare that I renounce, refuse and abjure any allegiance or obedience to him, the said James. *On Question*, Whether these words shall stand part of this clause? *Resolved* in the affirmative. *On Question*, Whether to agree to the clause without amendment? *Resolved* in the affirmative. Then the next enacting clause was read. *Agreed.* The next two clauses were read. *Agreed.* The next enacting clause was read. 5 Sh., l. 15, fill the blank with the words, second day of February 1701. 6 Sh., l. 3, leave out the word, cause, and instead thereof read the word, summon. L. 8, fill the blank with the words, the said 2nd day of February. *Agreed.* The next clause was read. *Agreed.* The preamble was read. 1 Sh., l. 22, after the word, do, insert the words, under God. *Agreed.* The title. *Agreed.* Bill reported with these amendments. *Agreed* by the House. *Ordered* that the Bill, as amended, be engrossed. MS. Min. L. J., XVII. 16. It was read 3ª on 13 Jan. A rider was added, and it was sent to the Commons. *Ib.*, 16. The Commons, after a Second Reading on 17 Jan., ordered it to lie on the Table, a

* Words omitted are in square brackets; those added are in italics.

Commons' Bill, for the same purpose, being before the House. C. J., XIII. 683. *See* No. 1735.]

1697. Jan. 7. L. Mohun's Privilege (Sheperd).—Affidavit of Thomas Sheperd, of Gawsworth, Cheshire, Gent., steward to L. Mohun ever since the death of the late E. Macclesfield, that he was arrested on 15 Dec. last, at Macclesfield, by Henry Royle and Samuel Thornicroft, bailiffs, at the suit of Fitton, E Macclesfield, in an action of trespass upon the case to the damage of 100*l.* John Houghton was the attorney for the plaintiff. Petitioner was lodged in the common prison, in the custody of Henry Grantham, the gaoler. He has remained there, a close prisoner, though he often has demanded his liberty. He believes the action was brought at the instigation of John Hamond, clerk, and William Buckingham, Gent., agents to the Earl, without his knowledge. *Signed* T. Sheperd. *Sworn* at Birmingham, before Roger Manwaring, Justice of the Peace, on 1 Jan. [Read this day. *Ordered* that Sheperd be released. L. J., XVII. 12–13.]

1698. Jan. 9. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 15.

(1) George, D. Cumberland.
(2) John, L. De la Warr.

1699. Jan. 12. Writ of Summons (L. Lovelace).—Writ of Summons to John, Lord Lovelace. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J. XVII. 16.]

1700. Jan. 13. Writ of Summons (L. Lucas).—Writ of Summons to Robert, L. Lucas. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 16.]

1701. Jan. 15. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 17.

(1) Henry, V. Longueville.
(2) John [Evans] Bishop of Bangor.

1702. Jan. 19. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 18.

(1) Richard, E. Scarborough.
(2) Charles, E. Winchilsea.

1703. Jan. 21. E. Orrery's Estate Act.—Draft of an Act for enabling Lionel, Earl of Orrery, in the Kingdom of Ireland, by sale of certain lands and tenements, to raise money for payment of his debts and settle other lands to the uses and purposes in this Act mentioned. The only amendment was a clerical one in the Commons. C. J., XIII. 769. [Read 1ª this day. Royal Assent 7 March. L. J., XVII. 21, 62. 14 Will. III. c. 8 in Long Cal. *See* Com. Book 10. Feb.]

Annexed:—

(*a*) 20 Jan. Petition of Lionel, Earl of Orrery, of the Kingdom of Ireland, praying for leave to bring in the Bill. *Signed*

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Orrery. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 19.

1704. Jan. 22. Writ of Summons (L. Grey of Warke).—Writ of Summons to Ralph, L. Grey de Werk. *Dated* 13 Nov. 1701. [Sat first in Parliament this day after the death of his brother, the Earl of Tankerville. L. J., XVII. 21.]

1705. Jan. 22. Pretender's Attainder Act.—Paper of amendments made by the Lords to the Bill for the Attainder of the pretended Prince of Wales. *Reported* from C. W. H. this day. L. J., XVII. 22. The amendments consist of the addition (1) of the words, and of Mary, late wife of James, late King of England, to the title, and (2) of the clause marked A (*see* Annexes below) after the word, treason, in Skin 2, l. 20.* [The Bill was brought from the Commons and read 1ª on 20 Jan.; it was read 2ª and committed to C. W. H. this day. L. J., XVII. 20, 22. In C. W. H. this day, L. Herbert in the Chair, the title and preamble were postponed and the 1st and 2nd enacting clauses were read *Agreed to.* A proviso or clause was offered for attainting the late Q. Mary. *Agreed* to leave out in the clause these words, and has taken upon [her] the regency of the [said] pretended Prince of Wales. *See* Annex (*a*). After debate, on *Question,* Whether the clause now read shall be made part of the Bill? *Resolved* in the affirmative. The clause was added, as above, the preamble agreed, and the words noted above were added to the title. The Bill was then reported; the amendments were read twice and an amendment was made to leave out the word, Queen, and to add the words, late wife of the said King James. (*See* Annex (*a*)). MS. Min. The Commons disagreed to these amendments on the ground that an Attainder should not be by an amendment which could not receive sufficient consideration (Annex (*c*)). The Lords insisted. *Ordered* that the Managers of the Conference do inspect the Journals for precedents of clauses added to Attainder Bills, and to draw up Reasons. L. J., XVII. 28. On 7 Feb., in Select Committee, E. Stamford in the Chair, the Journal 31 Hen. VIII, where the Bill for attainting M. Exon and others, begun in the House of Lords, with the proceedings thereon, are perused. The Reason for the Commons disagreement to the clause added by their Lordships was read. Reasons were drawn and agreed to be reported. Com. Book. On the same day the Reasons were reported to the House, which agreed to the first two (*See* Annex (*d*)). *Proposed* to re-commit the Reasons. The third Reason was read, wherein the precedent was recited. The precedent was read out of the Journal. *Moved* to recommit the Reasons. After debate upon recommitting the whole. *On Question,* Whether the whole Report shall be recommitted? *Proposed* to put the *Previous Question. Agreed.* Then the *Previous Question* was put, Whether this Question shall be put? *Resolved* in the affirmative. Contents 20, Not Contents 17: Tellers, L. North, L. Herbert. Then the *Main Question* was put, Whether the whole Report shall be recommitted? *Resolved* in the affirmative. Contents 21, Not Contents 15: same Tellers. The whole Report was recommitted to the same Committee. MS. Min. 7 Feb. L. J., XVII 29, 30. On 9 Feb., *Proposed* to desist from the amendments. *Ordered* that the Committee to draw Reasons be revived, and do sit presently in the Prince's

* The Resolutions moved in the House of Commons on 2 Feb. with regard to these amendments are noted in the margin, viz., "Postponed. Disagreed" to the first amendment, "Disagreed" to the second. *See* C. J., XIII. 713.

Lodgings. MS. Min. L. J., XVII. 30. The same day, in Select Committee, L. Herbert in the Chair, Reasons were drawn (*see* Annex (*e*)) and agreed to be reported for the Lords insisting on their amendments. Com Book. The Reasons were reported the same day. *Agreed to.* A Conference was desired which was had the following day. The Bill, with Reasons, was then delivered to the Commons. L. J., XVII. 30, 31. On 12 Feb. *Agreed* to a Free Conference, desired by the Commons. The Bishops of Salisbury, Oxford, London, Chester and Worcester were added to the former Managers. L. Herbert reported from the Free Conference that the Lords had attended it and that Sir Rowland Gunne [Gwyn] managed for the Commons, and gave an account of what was offered at the Free Conference, and that they had received the Bill from the Commons, with the amendments. *Proposed* to recede from the amendments. *On Question*, Whether this House shall recede from their amendments? *Resolved* in the affirmative. MS. Min. L. J., XVII. 33, 34. The Bill received the Royal Assent on 2 March. *Ib.* 53. 13 & 14 Will. III. c. 3. Fol. Ed.] 1701-1702. — No. 1705.

Annexed:—

(*a*) 22 Jan. Amended* Draft of Clause marked A, as follows:—And whereas Mary, late wife of James, late King of England, has adhered to your Majesty's enemies, and aided, abetted and assisted several persons attainted of high treason [and has taken upon her the regency of the said pretended Prince of Wales] and asserted the said pretended Prince of Wales to be now King of England; Be it therefore further enacted by the authority aforesaid that the said [Queen] Mary, *late wife of the said King James*, be attainted of high treason, and suffer such pains and incur all such forfeitures as a traitor attainted of high treason. [Added this day in C. W. H., after the word, treason, in Skin 2, l. 20, and amended in C. W. H. and on Report. *See* Notes to first Paper. MS. Min.]

(*b*) 22 Jan. Engrossment of above as amended.

(*c*) 6 Feb. Commons' Reasons for not agreeing to the Lords' amendments. Reported from the Conference this day. The word, because, is substituted for the word, believing. L. J., XVII. 28. *In extenso.* *See* Notes to first Paper.

(*d*) 7 Feb. Amended* Draft of Lords' Reasons for insisting on their amendments. L. J., XVII. 29. *In extenso.* The first is as follows:—Because nothing can be more agreeable to the reason and design of the Bill itself, it being notoriously known that the pretended Prince of Wales has been bred up in the Romish superstition and encouraged to all [those] acts tending either to the bringing the French Government into this Kingdom [and] *or the* dethroning his present Majesty *as well* by the [joint] influence of his pretended mother as of the French King. *Noted* Agreed. The second is as in L. J. *Noted* Agreed. The third is as follows:—Because in a [less notorious case, both] Bill of a like nature, begun in the House of Lords (31 H. 8), to attaint the Marquess of Exeter [and] *with* others, the Commons added a clause to attaint several persons, *not named in that Bill by the Lords*, to which the Lords agreed;

* Additions in italics; omissions in square brackets.

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and the Bill was passed with that amendment. The fourth is as in L. J. [Reported from the Committee and considered in the House this day and recommitted. *See* Notes to first Paper.]

(*e*) 9 Feb. Amended* Draft of Lords' Reasons for insisting on their amendments, reported this day from the Select Committee after recommittment. L. J., XVII. 31. *In extenso.* They are as follows:—The Lords insist [&c., as in L. J.] because the Lords are of opinion that [such] due consideration *such* as the nature of an Attainder does require may be had [as well] when the Attainder comes in by way of amendment [as if the person to be attainted had been originally named in the Bill]. And the Lords find the Commons themselves did by way of amendment add the names of several persons to be attainted in an Act, 31 H. 8, sent down by the Lords for attainting of the Marquess of Exeter and others; and they have never heard of any ill consequence by that proceeding, to which the Lords at that time made no exception. And though the Lords find that the Attainders of persons originally named in that Bill have been since reversed, yet it does not appear, *upon the search they have made*, but that the Attainders of the persons so added by the Commons remain to this day in force. [*See* Notes to first Paper.]

1706. Jan. 22. Printers and Printing Presses Bill.—Draft of an Act for the better regulating of printers and printing presses. The Bill is identical, except that the dates for the Act coming into operation and the amounts of the various penalties are left blank, with the Printing Regulation Bill of 1698–99,† as sent down to the Commons. [Read 1ª this day. The Bill was read 2ª on 24 Jan. and, after debate, *On Question*, the Motion to commit it was negatived. L. J., XVII. 23.]

1707. Feb. 3. Vaughan v. Thurston.—Petition and Appeal of Jonathan Vaughan and Katherine, his wife, relict and executrix of John Thurston. Robert Thurston, on the marriage of his son John to Appellant Katherine, gave him 100*l.* to purchase an annuity for his life of 20*l.* a year from John Stafford. On her husband's death, Katherine paid his debts to the utmost of the assets, but her father-in-law took possession of the house and turned her out, so that she had to be a hired servant until she married Appellant. Respondent then brought an action against Appellants for the 100*l.* pretending that it was only lent to his son, upon which they exhibited their Bill in Chancery, asking to be relieved against that debt and also claiming 15*l.* from Respondent as executor of one Cooke. The Causes were heard before Lord Chancellor Somers, who decreed an account before a master. It was finally adjudged by Sir Nathaniel Wright that Appellants should pay Respondent 85*l.* and his costs, (taxed at 224*l.* 17*s.* 4*d.*), but the assets, after paying Testator's debts, only amount to 85*l.* 2*s.* 4*d.* Appeal against the Decree. *Signed* by Appellants. *Countersigned* Tho. Gibbon, Ro. Price. L. J., XVII. 25. [On 25 Feb. the Appeal was heard and dismissed with 20*l.* costs. *Serjt. Gibbons* appeared for the Appellants and *Sir Thomas Powys* for the Respondent. No Counsel appeared for Appellants when the Cause came on for Hearing. They were sent for and *Serjt. Gibbons*

* Additions in italics; omissions in square brackets.

† House of Lords MSS., Vol. III. (New Series), No. 1339.

said he had been detained and hoped that the Cause might be put off. MS. Min. L. J., XVII. 46.]

Annexed :—

(*a*) 12 Feb. Answer of Robert Thurston. The Decree and Order are just and equitable. Hopes the Appeal will be dismissed with costs. *Signed* by Respondent. *Countersigned* C. Coxe.

(*b*) 16 Feb. Petition of Respondent for a short day for the Hearing and that the Appellant may enter into a recognizance in the mean time or that the Appeal may be dismissed. Endorsed as read this day. L. J., XVII. 35.

1708. Feb. 3. Wightwick's Estate Act.—Amended Draft of an Act for the settling and vesting divers manors and lands of Francis Wightwick, an infant, lying in the county of Stafford, in trustees, to enable them to settle and convey the same upon the marriage of the said Francis Wightwick to such uses, intents and purposes, as shall be agreed upon. In addition to some clerical amendments, the Lords inserted the names of the trustees. The amendments made by the Commons were merely of a drafting nature. C. J., XIII. 805. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 25, 87. 1 Anne c. 20 in Long Cal. *See* Com. Book 20 Feb.]

Annexed :—

(*a*) 26 Jan. Petition of Francis Wightwick, of Dunstall, in the county of Stafford, Esq. His grandfather, Francis Wightwick, late of Dunstall, on the marriage of his son, Petitioner's father, to Elizabeth Fowler, with whom he received 1,350*l.* portion, made a settlement of his property in Wolverhampton, Tettenhall, Pen and Wightwick, Staffordshire, whereby Petitioner is seised in fee of part of it, and in fee tail of the rest, his mother Elizabeth having a life rent in part of the latter for her jointure. Petitioner is now, with the approbation of his mother and guardian and others, in treaty for a marriage with a person of very great fortune, but, being only nineteen, cannot make a settlement. Prays leave to bring in a Bill to vest his estate in trustees for that purpose. *Signed* Francis Wightwick. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 23.

(*b*) 20 Feb. Consent of Walter Fowler, the grandfather, Elizabeth Wightwick, the mother, and John Wightwick, the uncle, of Francis, the infant, to the Bill, which will be for his advantage and for that of the whole family, and is to no other use than what he might by law make if he were of age. *Dated* 2 Feb. *Signed* and *Sealed* by the above and by Francis Wightwick. *Witnessed*, for the last, by John Pargiter and Row. Frytte, and for the rest, by William Bache and John Pargiter. [Produced and proved by Pargiter this day before the Select Committee. Com. Book.]

(*c*) 20 Feb. Paper of amendments made in the Select Committee this day. Their effect is stated in description of Draft Bill above. Com. Book.

1709. Feb. 4. Melborne Rectory Bill.—Draft of an Act for increasing the rent of the Rectory of Melborne, in the county of Derby, to the Bishop of Carlisle and Vicar of Melborne aforesaid. The Bill is almost identical with Thomas Coke's Estate Act of 1704,* subject to alterations in the preamble rendered necessary by a change in the

* 3–4 Anne c. 32 in Long Cal.

1701–1702. — No. 1709. Bishops of Carlisle and the death of King William, and the omission of any mention of the renunciation by William Allestry and Nicholas Wilmott to act as executors of John Coke's Will. In this Bill also, in the clause concerning distress for arrears, the only provision is that the distress is to be impounded until the arrears and costs are satisfied. [Read 1ª this day. L. J., XVII. 25. There were no further proceedings.]

Annexed :—

(*a*) 3 Feb. Petition of Thomas Coke, Esq. Is tenant to the Bishop of Carlisle of the rectory and parsonage of Melborne, for three lives, now in being. There having been differences touching fines to be paid upon renewals of leases, Petitioner and the Bishop have come to an agreement for a considerable increasing of the rent to the Bishop and his successors and the yearly payment to the Vicar and his successors in lieu of fines. Prays leave to bring in an Act to give effect to that agreement. *Signed* Thomas Coke. *Endorsed* as read this day. L. J., XVII. 25.

1710. Feb. 5. Hamilton *v.* Stevenson.—Petition and Appeal of James Hamilton, of Bangor, in the Kingdom of Ireland, Esq., and Hans Hamilton, Esq., grandson and heir of Sir Hans Hamilton, Knt. and Bart. James, Earl of Clanbrassill, upon his marriage settled lands worth about 2,000*l.* a year upon his wife for her jointure. Afterwards upon his death-bed he left her, by Will, a third of his estate for life and the rest for the maintenance of his two sons and the payment of his debts. If his sons died without issue before his debts were paid, the rest of the two thirds, after payment of his debts, was to go to the eldest sons or issue male of his five uncles. Both sons died without issue but the elder son, after coming of age, had levied fines and suffered recoveries of the estate not in jointure and had left all his estate to his wife. On his death, his widow claimed the reversion in fee of the jointure lands alleging that the Will, made by James, Earl of Clanbrassill, was invalid, as he had been of unsound mind. The eldest sons of Earl James's five uncles filed a Bill against her to perpetuate testimony, whereupon she preferred a Bill to set aside the Will. They preferred a cross Bill to uphold it. As the evidence was contradictory, James Hamilton, of Neilsbrook, the eldest son of the eldest uncle, who claimed the whole estate under settlements made by Lord Clanboys [Claneboye], Earl James's father, refused to go further in the suit. The other four claimants empowered Appellant James Hamilton, one of their number, to proceed for them all. In the meanwhile, Earl Henry's* widow settled the estate upon herself and her issue, or, in default, part of it upon Richard Spencer, part upon James Sloane and the rest upon her brother E. Drogheda, subject to her debts especially 3,000*l.*, borrowed from L. Bargany whom she married. On her death Sir Hans Hamilton and the Appellant James, two of the claimants, being advised that the remainder to the sons of the five uncles was barred by the fines and recoveries, bought out L. Bargany, Spencer and Sloane and agreed with Archibald and Patrick Hamilton that each of them should have a fifth part of the jointure lands and lands on lease for lives conveyed to them. James Hamilton, of Neilsbrook, did not agree to the arrangement but afterwards agreed to refer the matter to arbitrators, who awarded him a fifth part like the other sons. Before a conveyance was made, he died leaving three daughters, whose guardian filed a Bill against Appellants, suggesting that Sir Hans who had also died and Appellant

* Henry, second Earl of Clanbrassill (1659–1675).

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—
No. 1710.

James had made purchases in trust for all the sons and claiming a fifth of the purchases on behalf of the three daughters. Two of these daughters then died and the other married Respondent Stevenson who revived the Cause. Before the hearing the award was performed by a partition of the estate, Respondents accepting their fifth part of the jointure lands and leasehold lands for lives. On the Cause being heard, the Lord Chancellor of Ireland decreed the Will to be good and ordered Respondents to have one fifth of the purchases made by Sir Hans and Appellant James. Appellants then brought a Bill against Respondents, stating the award and praying a specific performance of it by them, but, in spite of this, the Lord Chancellor ordered Appellants forthwith to convey to Respondents a fifth part of the purchases and ordered the rents to be sequestrated. Appeal against the Decree. *Signed* by Appellants. *Countersigned* Hen. Poley, James Sloane. L. J., XVII. 27. [The Cause was heard on 15 April. *Sir Thomas Powys* for the Appellants: These Respondents have accepted of a conveyance of the other lands. We hope your Lordships will not let a trust be set up after such an award. *Mr. Pooley*, on the same side: The question is whether there was a trust and an award. James [Hamilton], of Neilsbrook, set forth a distinct title. The question under the Will [is] whether they should have an estate of inheritance or for life. There was no declaration this purchase was for them. We say that award ought to be established. We hope the Decree shall be reversed. There was a common recovery suffered. They read the recovery. 28 Nov. Car. II. James Hamilton's several answer is read. They read several deeds and writings. These deeds have come and taken from us conveyances agreeing to relinquish any part and they are witnesses to nurse up this Cause 23 years after and set up a pretended trust. They read an arbitration bond in 1680. The award read, signed Creton and Hamilton. They read depositions: Pursuant to the award we have set them out the fifth part. *The Counsel for the Respondents* oppose the reading of the award: Against these deeds and award the Will pretends to set up a trust. 10 Feb. 1678 Order read; 24 July 1701 read; Order 12 Dec. 1701 read. *Mr. Cooper* for the Respondents: I will consider the case as it stands. We hope to prove the case and that that award should not stand in our way. These five, whereof my client claims under one of them, are well entitled to a fifth part by the Will. In 1677 Countess Alice dies. They took the conveyance from L Bargany for themselves. What is there more agreeable to reason than to affirm this Decree? For the quieting of this Cause two of these have excluded themselves by this agreement. We have not. A grosser fraud was never heard in this or the other Kingdom. *Mr. Dobyns*, on the same side: The matter of the award ought to be laid out of this case, and there is a saving for the right by that award if any be. First, the award recites wrong persons. In the first place the bond was not sealed as they say. The referee, Mr. Hamill, was solicitor for them and kept back a witness that was to to be examined and he must be the referee. He awards that which is unjust that the estate shall pay the debts. This award they would magnify. They read letters, [one of] 16 Jan. 1675, signed James Hamilton; [another of] 30 Jan. 1677, (the Jan. before the May that they made the agreement), [others of] 24 June 1676 [and] 28 March 1677. They read interrogatories. Archibald Hamilton. They read several depositions. On 16 April *Mr. Cooper* is further heard for Respondents: We proved the agreement to prosecute the suit jointly. They read several depositions. The deed enrolled read, whereby Sir Hans conveyed part of the inheritance, 24 Oct. 1678. *Sir Thomas Powys* proposes to read some witnesses by way

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of reply to show that Archibald and Patrick Hamilton are not to be allowed witnesses in this case, they being sharers in the case if the Cause goes as now it is: They are adventurers in this Cause. They read the beginning of the Decretal Order. *Mr. Pooley:* Though they have been read, yet they are not to be believed, being parties. They are under engagements with James, of Neilsbrook. November '85 read, (Kennedy), and several other depositions. This is the same Kennedy as was read yesterday on the other side. *Mr. Dobyns* proposes to read Archibald Hamilton's answer, which was read July 1697. *Mr. Cooper* sums up his evidence: They say the Chancellor of Ireland is inconsistent in his Decree. The strength of this rests on a wrong supposition. The case appears thus—Five have right to an estate. They empower two to sue for their right. They sue for it, take money to carry on the suit; they brought in the title of the heirs at law; they removed Lord Bargany's title out of the way; they take in Henry Moore's title. They agreed to sue and compound for the interest of five. This is very proper for a Court of Equity to decree, you shall go on in your agreement. They made use of the title to buy it cheaply of Moore. This we say is a very righteous Decree. Sir Hans flew from the terms of the award. *Mr. Dobyns:* All the matter the Appellants insist on is they say the matters are not true on our part, but they do not prove the contrary. They say here was a power to sue, but not to compound. We hope this is a just and righteous Decree. We hope the Appeal will be dismissed with costs. *Sir Thomas Powys:* I hope my clients have acted like good and honest men. This title was of two parts: If they were tenants in tail the recovery has ended the pretence under the Will. They agree to go shares. Then they were parties. In 1696 they convey over their estates. Then they were the most indifferent persons in the world. This James, of Neilsbrook, was not the worse for the purchase. I hope your Lordships will not allow such demands to go on after deaths. It is dangerous. They can make no fraud. I hope the Decree shall be reversed. *Mr. Pooley:* They would set up a trust to avoid a purchase. They have made no answer to the complaint we made to the order for sequestering. *Question* asked Counsel for Respondents by L. Somers, *Mr. Cooper* heard to it. Archibald Hamilton and David Kennedy read. *Sir Thomas Powys* heard as to answer to what Kennedy says. *Question* asked—There is the award depending; it may be good or bad; if the Lords affirm the Decree, the award is out of doors? *Mr. Cooper* heard in reply to this question. The Decree and Order were then reversed, and the Cause sent back to be heard again in the Court of Chancery in Ireland with the Cross Cause. MS. Min. L. J., XVII. 100.]

Annexed:—

(*a*) 19 March. Petition of Respondents, praying for eight days' further time to put in their Answers to the Appeal. *Endorsed* as read this day and eight days allowed. L. J., XVII. 75.

(*b*) 27 March 1702. Answer of Hans Stevenson, Esq., and Anne, his wife. The Decree and Order are just and reasonable Hope their Lordships will dismiss the Appeal with costs. *Signed* by Respondents. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

1711. Feb. 7. Warner Lee's Estate Act.—Amended Draft of an Act to enable Warner Lee, *alias* Warner Warner, to make a jointure upon his marriage. The amendments, both in the Lords, and in the

Commons, were merely of a clerical and drafting nature. *See* C. J., XIII. 798. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 29, 87. 1 Anne c. 19 in Long Cal. *See* Com. Book 25 Feb.] 1701–1702. — No. 1711.

Annexed:—

(*a*) 29 Jan. Petition of Warner Lee and Henry Lee, in behalf of himself and other his sons who are infants. Lee Warner, Esq., deceased, was seised in fee of the manor of Wrongway and divers other manors and premises in Wrongway, Great and Little Walsingham and Houghton, in Norfolk, which he devised by Will in 1698 to Sir Nicholas L'Estrange and James Calthorpe and Daniel Bedingfield, Esqs., in trust to pay his debts and legacies, and afterwards in tail male to Warner Lee, (at the age of 22), and Henry Lee, eldest and second sons of his brother Henry Lee, Esq., and their respective issue male. Warner Lee, being under age, cannot make a jointure for any wife he may marry. Pray leave to bring in a Bill for that purpose. *Signed* W. Warner, H. Lee. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 24.

(*b*) 25 Feb. Consent of Sir Nicholas L'Estrange and Daniel Bedingfield, Esq., two of the trustees and executors under the Will of Lee Warner, Esq., to the Bill, which they conceive will contribute to the speedier satisfaction of his debts and legacies, and will be for Warner Lee's preferment in marriage. *Signed* by the above. *Dated* 3 Feb. *Witnessed* Edm. Rolfe, Cor. Houghton. [Produced this day before the Select Committee and proved by Edmond Rolfe and Corbet Houghton. Com. Book.]

(*c*) 25 Feb. Paper of amendments made in the Select Committee this day. Com. Book.

1712. Feb. 9. Perjury Bill.—Amended Draft of an Act for preventing perjury by making wilful perjury or subornation of perjury in certain cases to be felony. This Bill is almost identical with the Perjury Bill of 1694,* as amended by the Lords. [Read 1ª this day, and one Judge of each Court to attend the Second Reading, and all the Lords summoned. L. J., XVII. 30. On 11 Feb. read 2ª and committed to C. W. H. presently. In C. W. H., V. Longueville in the Chair, the title and preamble were postponed, and the 1st enacting clause was read. *Proposed* that this clause be restrained to high treason only and not to felony. First three enacting clauses read. *Agreed.* The last clause read. 5 Sh., l. 4, leave out the word, present. At the end of the Bill add clause A (Annex (*a*)). *Moved* to add a clause for an appeal for perjury. *Agreed* that the Judges present draw the clause. They withdrew and, after some time, the Judges brought in a clause drawn by them, which was read (Annex (*b*)). After debate, *On Question*, Whether this clause shall be part of the Bill? *Resolved* in the negative. *Ordered* that the clause be rejected. *Proposed* to add a clause to this Bill for restoring the person convicted, upon the conviction of perjury. *Proposed* that there be no Nolle prosequi granted in the case of prosecution for perjury made felony by this Act. A proviso was offered in this case and read. *Agreed* that the clause be added at the end of the Bill (Annex (*c*)). *Proposed* that a clause be brought in that, if the witness be convicted of perjury, the

* House of Lords MSS., Vol. I. (New Series), No. 860.

1701–1702. — No. 1712.

person that is condemned be restored. The title and preamble were read. *Agreed.* The House was resumed. A debate arose concerning the recommitting the Bill and for hearing the Judges as to the dilatoriness of proceedings by taking evidence in writing. *Ordered* that the Report be made on Monday next, and the Lords summoned, and Judges to attend. MS. Min. L. J., XVII. 33. On Report on 16 Feb. *Proposed* to recommit the Bill, and that it be mended to take out cases of felony. *Proposed* to hear the Judges to show whether there is an inconvenience in this Bill. *L. C. Justice:* This will cause delay in the country, and make assizes very long and tedious, that the country cannot bear it; and in London and in Middlesex there will not be time. It will discourage persons from prosecution. *Ordered* that the Bill be recommitted. In C. W. H., V. Longueville in the Chair, the title and preamble were postponed. Sh., 2, ll. 2 & 3, instead of the words, first of March, read the words, five and twentieth of March, and in l. 3, for the word, one, read the word, two. *Proposed* to resume the House. After debate, *On Question*, Whether the House shall be now resumed? *Resolved* in the affirmative. Contents 28, Not Contents, 20: Tellers, L. Jeffreys, L. Mohun. House resumed. V. Longueville reported that upon proceeding on the Bill, it was proposed to resume the House, which was done. The clauses agreed to be added to the Bill in the Committee the 11th inst. were read. *Agreed to.* *Ordered* that the Bill be engrossed and read 3ª to-morrow. MS. Min. L. J., XVII. 36. On 19 Feb. the Bill was read 3ª and passed and sent to the Commons. *Ib.* 39. The Commons negatived the Bill on Second Reading. C. J., XIII. 781.]

Annexed:—

(*a*) 11 Feb. Draft Clause, marked A, as follows:—Provided that no prosecution for such perjury, made felony by virtue of this Act, shall be unless the same [shall] be commenced within a year and a day after such perjury shall be committed. *Noted* Agreed [Added this day in C. W. H. *See* Notes above.]

(*b*) 11 Feb. Paper containing a rough draft and a fair copy of a clause. The fair copy is as follows: Provided also and be it enacted by the authority aforesaid that it shall be lawful for the party grieved by such perjury, made felony by this Act, and, in case of his death, for his wife or such person who would have been his heir had he not been attainted, to prosecute the person guilty of such perjury by way of appeal, in such manner as is used in cases of murder. *Noted* Rejected. [Offered this day in C. W. H. and drawn by the Judges, but rejected. *See* Notes to first paper.]

(*c*) 11 Feb. Draft Clause, marked B, as follows:—Provided always, and be it enacted, That no Nolle prosequi shall be entered to any prosecution for such perjury, made felony by this Act. *Noted* Agreed. [Added this day in C. W. H. *See* Notes to first Paper.]

1713. Feb. 12. Queen Mary (late wife of James II.) Attainder Bill.—Amended Draft of an Act to attaint Mary, late wife of the late King James, of high treason. Whereas Mary, late wife of James, late King of England, has adhered to your Majesty's enemies and aided, abetted and assisted several persons attainted of high treason, and asserted the pretended Prince of Wales to be now King of these your Majesty's Dominions; Be it enacted, &c., that the said Mary, late wife of the said late King James, stand and be convicted and attainted of

high treason and that she suffer pains of death and incur all forfeitures as a person attainted of high treason. [This Bill was occasioned by the refusal of the Commons to include a clause attainting Queen Mary in the Pretender's Attainder Bill (*see* No. 1705). Read 1ª this day. L. J., XVII. 34. Read 2ª and committed to C. W. H. on 17 Feb. *Ib.*, 38. In C. W. H. on 17 Feb., L. Herbert in the Chair, the Bill was agreed to with a drafting amendment. MS. Min. On 20 Feb., after the Third Reading, *Proposed* to hear the Judges on this Bill, Whether the Queen, being a foreigner, can be attainted? *Proposed* to adjourn the debate to to-morrow, and Judges to attend. *Proposed* to hear the Judges. *Mr. Baron Powell* and the *L. Keeper* heard. *On Question*, Whether this Bill shall pass? Resolved in the affirmative. Contents 28, Not Contents 18: Tellers, L. Wharton, L. Jeffreys. 15 Lords protested.* MS. Min. L. J., XVII. 40. The Bill was then sent to the Commons who, on 2 March, ordered it to be read 1ª on 7 March. C. J., XIII. 771. There were no further proceedings.] 1701–1702. — No. 1713.

1714. Feb. 12. James Hunt's Estate Act.—Amended Draft of an Act to enable the trustees of James Hunt, Esq., deceased, to sell timber for the payment of his debts and legacies. The Lords, besides some merely clerical and drafting amendments, left out a clause enabling Jane Hunt, the relict of James Hunt, to cut down timber for the repair of the mansion house of Popham, the seat of the family and part of her jointure, which was very ruinous and in decay, or for building a new house at Popham. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 6 May 1702. L. J., XVII. 33, 118. 1 Anne c. 56 in Long Cal. In the Select Committee, *Wm. Canning* said the timber was worth between 4,000*l.* and 5,000*l.* Com. Book 10 and 11 March.]

Annexed:—

(*a*) 10 Feb. Petition of Jane Hunt, widow, one of the executors of the last Will of James Hunt, of Popham, in the county of Southampton, Esq., deceased. James Hunt, on his marriage with Petitioner, settled his estate on himself for life, and part of it upon his wife for her jointure, with remainder to his heirs male. He devised by his Will several lands and tenements for payment of his debts and several legacies to his sisters and children. Prays leave to bring a Bill to enable trustees to sell the timber, so as to prevent the devised property being sold. *Signed* Jane Hunt. *Endorsed* as read this day. L. J., XVII. 32.

(*b*) 11 March. Consent of George Yate to the Bill, which will be of great advantage to James Hunt, the infant, and to the whole family, as there are great quantities of timber on the estate, and the sale of the devised lands, which lie contiguous and intermixed with the settled estate, would be detrimental to the heir. *Dated* 6 March. *Signed* George Yate. *Attested* Chris. Kidmore, Junr., George Langly. [Produced this day before the Select Committee, and proved by William Canning. Com. Book.]

(*c*) 11 March. Consents of John Cary, great grandfather to James Hunt, the infant, and of Edward Loveden, a trustee of the settlement, appended to a copy of the Bill, which they

* *See* Protests of the Lords, edited by J. E. Thorold Rogers, Vol. I., 160–161.

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conceive will be for the advantage of the infant. *Signed* John Cary, E. Loveden. [Produced this day before the Select Committee, and proved by William Canning. Com. Book.]

(*d*) 11 March. Letter from Fr. Hen. Cary, father of Mrs. Hunt, to Mr. Anthony Guidot. He cannot attend the Committee as he has heard from Woodstock that his father is very ill and not likely to live till he reaches him, which occasions him to hasten out of town. Entreats Mr. Guidot to inform their Lordships that he consents to the Bill, which he esteems likely to prove to the benefit of the heir. *Dated* 9 March. *Signed* Fr. Hen. Cary. [Produced this day before the Select Committee Com. Book.]

(*e*) 11 March. Schedule of debts incumbent upon the estate at Mr. Hunt's decease. They amount to 14,940*l.* 10*s.* 7½*d.*, including 3,000*l.* to Mrs Hunt's two sisters, 8,500*l.* as portions to four children, and 288*l.* 12*s.* 6*d.* for several legacies. The rent of the devised estate is 461*l.* 1*s.* 10*d.*, and some land in reversion for lives is worth about 170*l.* per annum, and is stocked with young timber which will be worth at least 16,000*l.* It will be worth much more to the heir if preserved from being sold. The timber fitting to be sold will yield about 5,000*l.*, and will discharge all the debts and legacies now due. *Signed* William Canning. [*Produced* this day before the Select Committee by Canning, who said it was a true account. Com. Book.]

(*f*) 11 March. Paper of amendments made in the Select Committee this day. Com. Book.

1715. Feb. 12. Purefoy's Estate Act.—Amended Draft of an Act to enable trustees to sell certain lands, tithes and tenements for the payment of the debts of Francis Purefoy, Esq., deceased. The amendments made by the Lords were of a drafting and clerical nature, as were those made in the Commons, with the exception of an amendment to leave out the words, except to the administrator of the goods and chattels of the said Francis Purefoy, before the general saving clause. *See* C. J., XIII. 822. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 33, 87. 1 Anne c. 17 in Long Cal. *See* Com. Book 3 March.]

Annexed:—

(*a*) 23 Jan. Petition of Dorothy Purefoy, widow. Petitioner was seised of divers lands, &c., in Caldecot and Hartshill, Warwickshire, worth 200*l.* a year, for her jointure, for life, with remainder to her son Francis Purefoy, Esq., and his heirs, who was also seised in fee of the manors of Caldecot and Hartshill and other property there and in Nun-Eaton, Mancetter and Aunceley, in that county, worth 260*l.* a year. Francis prevailed upon her to agree to a mortgage of the whole, except 80*l.* a year of her jointure, to Thomas Saunders, Esq., for 7,000*l.*, and in 1691 conveyed the mortgaged property to trustees to be sold for payment of the debt to Saunders and to recompense Petitioner for her loss of jointure. Petitioner, out of her tender affection to her son, did not press for an immediate sale, and Francis still further encumbered the property. He died in July last in his Majesty's service in Holland, leaving over 10,000*l.* encumbrances on the property. His niece and heir, Dorothy Purefoy, is only four years old, and thus cannot

join in a conveyance of the property to clear off the debt, which will swallow up the whole estate long before she is of age. Prays leave for a Bill to be brought in for the sale of the premises to pay off the debt and recompense Petitioner for the loss of her jointure. *Signed* Doro. Purefoy. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 22.

(*b*) 3 March. Paper of amendments made in the Select Committee this day. Com. Book.

1716. Feb. 12. Naval Stores from Russia.—Papers delivered by the Commissioners of the Customs this day. L. J., XVII. 34. The papers were delivered pursuant to Order of 5 Feb. *Ib.* 27. *Ordered* that Comrs. Customs lay before this House the improvement of trade. MS. Min. The Papers are as follows :—

(*a*) 12 Feb. Return of the Commissioners of the Customs to the House of Lords, with accounts of naval stores from Russia. In obedience to their Lordships' Order of 5 Feb., requiring them to lay such accounts before the House, pursuant to a clause in the Act of 10 & 11 Will. III.* for enlarging the trade to Russia, the Commissioners acquaint their Lordships that on 9 Feb. 1699–1700 they laid such a Report before the House for 1699, and now lay before the House the like accounts for the two years, ending Christmas 1701. *Dated* Customs House, London, this day. *Signed* A. Maynwaring, Sam. Clarke, Ben. Overton, Robt. Henley, T. Newport, Will. Culliford. *Endorsed* 1.

(*b*) 12 Feb. Account of naval stores imported from Russia into the outports from Christmas 1699 to Christmas 1701, extracted from the Returns of the several collectors, viz. :—

Bristol.—5 Sept. 1700, in the *Elizabeth*, of Newcastle, Henry Shadforth, from Archangel, 1,103 cwt. 3 qrs. 2 lbs. of rough hemp, 150 handspikes, 41 small spears, 128 oars, 106 long scopes, 45 handscopes, 26 Russia planks, and 2 small masts.

Rochester.—24 Oct. 1701, in the *Providence*, Jno. Keyler, from Archangel, 151 bundles and one ton of hemp.

Plymouth.—15 Oct. 1701, in the *Happy Return*, Robt. Tickner, from Russia, 131 bundles of hemp and 100 handspikes.

Signed Tho. Evans, as having examined this account. *Endorsed* 2. [Enclosed in preceding.]

(*c*) 12 Feb. Account of naval stores imported from Russia into the port of London, from February 1699 to Christmas 1700. 13,873 cwt. 1 qr. of rough hemp, 9 lasts, 7 barrels of pitch and tar, 282 cwt. of cordage, 693 cwt. 3 qrs. of rosin. *Signed* (as examined from the original warrants), p. Will. Cooke. *Dated* Jerqrs. Office. *Endorsed* 3 [Enclosed in (*a*) above.]

(*d*) Similar account from Christmas 1700 to Christmas 1701. 54,942 cwt. 1 qr. of rough hemp, 134 cwt. 3 qrs. 16 lbs. of rosin, 133 qrs. 26 lbs. rough hemp, 10 cwt. 1 qr. 7 lbs. of cordage, 97 lasts 11 barrels of tar, 1,324 long deals and 34 knees. *Signed* as preceding. *Dated* Jerqrs. Office, 12 Feb. *Endorsed* 4 [Enclosed in (*a*) above].

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* 10 Will. III., c. 6, Fol. Ed.

1717. Feb. 12. AN ABSTRACT of the Inspector-General's Accounts of Imports and Exports, from Michaelmas 1696 to Christmas 1699, being three years and a quarter, viz.:—

The everal countries.	For what time.	Amount of the estimates or values of the several merchandizes imported.	Amount of the estimates or values of the several merchandizes exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
AFRICA	From—						
	Michaelmas 1696 to Michaelmas 1697	6,615 16 8½	13,435 16 11½	—	6,820 0 2¾	—	—
	Michaelmas 1697 to Michaelmas 1698	2,496 6 8	70,587 17 4½	—	68,091 10 8¼	—	—
	Michaelmas 1698 to Christmas 1698	208 0 6	48,743 16 9½	—	48,535 16 3½	—	—
	Christmas 1698 to Christmas 1699	19,225 18 7¼	97,264 5 8¾	—	78,038 7 1¼	—	—
	Total	28,546 2 6	230,031 16 10	—	201,485 14 4	—	201,485 14 4
CANARIES	Michaelmas 1696 to Michaelmas 1697	168,190 7 1	51,851 3 2¾	116,339 3 10½	—	—	—
	Michaelmas 1697 to Michaelmas 1698	73,583 13 6¾	43,170 9 6¾	30,413 3 11¾	—	—	—
	Michaelmas 1698 to Christmas 1698	2,082 8 0	14,980 16 8¾	—	12,898 8 8¾	—	—
	Christmas 1698 to Christmas 1699	84,278 11 8¾	35,973 7 10	*43,305 3 10¾	—	—	—
	Total	328,135 0 4½	145,975 17 3¾	†190,057 11 8¾	12,898 8 8½	‡177,159 3 0½	—
DENMARK AND NORWAY	Michaelmas 1696 to Michaelmas 1697	63,769 9 8¾	79,523 7 7½	—	15,753 17 11¼	—	—
	Michaelmas 1697 to Michaelmas 1698	90,957 11 7	37,232 6 8¼	53,725 4 10¾	—	—	—
	Michaelmas 1698 to Christmas 1698	14,681 19 3	7,681 12 7	7,000 6 8	—	—	—
	Christmas 1698 to Christmas 1699	86,744 11 9	38,078 16 10⅓	48,665 14 10⅓	—	—	—
	Total	256,153 12 3¼	162,516 3 9¼	109,391 6 5¼	15,753 17 11¼	93,637 8 6	—
EAST COUNTRY	Michaelmas 1696 to Michaelmas 1697	151,852 13 11⅓	126,226 13 11¼	25,625 19 11¼	—	—	—
	Michaelmas 1697 to Michaelmas 1698	197,476 15 5⅓	150,018 16 10¼	47,457 18 7¼	—	—	—
	Michaelmas 1698 to Christmas 1698	45,765 6 10¾	27,723 2 10½	18,042 4 0¼	—	—	—
	Christmas 1698 to Christmas 1699	224,546 6 5	165,731 9 3¼	58,814 17 1¾	—	—	—
	Total	619,641 2 7¾	469,700 2 10¼	149,940 19 8½	—	149,940 19 8½	—

* (?) 48,305 3 10¾ † (?) 195,057 11 8¾ ‡ (?) 182,159 3 0½

East India -	Michaelmas 1696 to Michaelmas 1697	259,716 19 9	67,094 16 7½	192,622 3 1¾	—	—	
	Michaelmas 1697 to Michaelmas 1698	356,509 7 7½	451,195 16 2¾	—	94,686 7¼	—	—
	Michaelmas 1698 to Christmas 1698 -	125,111 18 1½	292,130 8 0½	—	167,018 9 11½	—	—
	Christmas 1698 to Christmas 1699 -	717,695 4 5½	997,116 6 5½	—	279,421 2 0	—	—
	Total - - -	1,509,033 9 11*	1,807,537 7 4	192,622 3 1¾	541,126 0 6½	—	348,503 17 4¾
Flanders -	Michaelmas 1696 to Michaelmas 1697	45,414 2 7½	209,480 5 6½	—	164,066 2 11	—	—
	Michaelmas 1697 to Michaelmas 1698	81,741 3 4	547,033 18 0¼	—	465,292 14 8¼	—	—
	Michaelmas 1698 to Christmas 1698 -	18,728 10 5	63,886 8 7	—	45,157 18 1½	—	—
	Christmas 1698 to Christmas 1699 -	79,518 16 9½	256,475 16 4¾	—	176,956 19 7¼	—	—
	Total - - -	225,402 13 2	1,076,876 8 6½	—	851,473 15 4	—	851,473 15 4
France - - -	Michaelmas 1696 to Michaelmas 1697	—	—	—	—	—	—
	Michaelmas 1697 to Michaelmas 1698	48,806 8 4	61,441 11 7¾	—	12,635 3 3¾	—	—
	Michaelmas 1698 to Christmas 1698	19,904 3 0	19,352 4 7	551 18 5	—	—	—
	Christmas 1698 to Christmas 1699 -	76,712 14 4½	103,961 13 3½	—	27,248 18 11	—	—
	Total - - -	145,423 5 8½	184,755 9 6¼	551 18 5	39,884 2 2¾	—	39,332 3 9¼
Germany - -	Michaelmas 1696 to Michaelmas 1697	335,959 9 11½	331,080 6 8½	4,879 3 3	—	—	—
	Michaelmas 1697 to Michaelmas 1698	525,734 3 5	694,349 13 5¾	—	168,615 10 0¾	—	—
	Michaelmas 1698 to Christmas 1698 -	153,449 17 5¾	103,888 14 6¼	49,561 2 11⅓	—	—	—
	Christmas 1698 to Christmas 1698 [1699].	818,191 0 1	700,834 12 1	117,356 8 0	—	—	—
	Total - - -	1,833,334 10 11	1,830,153 6 9½	171,796 14 2⅓	168,615 10 0¾	3,181 4 1¾	—
Greenland -	Michaelmas 1696 to Michaelmas 1697	—	—	—	—	—	—
	Michaelmas 1697 to Michaelmas 1698	3,694 17 6	—	3,694 17 6	—	—	—
	Michaelmas 1698 to Christmas 1698 -	378 15 4½	—	378 15 4½	—	—	—
	Christmas 1698 to Christmas 1699 -	273 17 6	—	273 17 6	—	—	—
	Total - - -	4,347 10 4½	—	4,347 10 4½	—	4,347 10 4½	—
Holland - -	Michaelmas 1696 to Michaelmas 1697	495,581 16 3¼	1,462,415 10 0	—	966,833 13 8¾	—	—
	Michaelmas 1697 to Michaelmas 1698	649,348 18 0½	1,507,177 14 6½	—	857,828 16 5¾	—	—
	Michaelmas 1698 to Christmas 1698 -	131,042 9 10½	288,565 14 9	—	157,523 4 10¾	—	—
	Christmas 1698 to Christmas 1699 -	512,599 4 8¾	1,456,142 1 2¾	—	943,542 16 5¾	—	—
	Total - - -	1,788,572 8 10½	4,714,301 0 5½	—	2,925,728 11 7	—	2,925 728 11 7

* (?) 1,459,033 9 11

An Abstract of the Inspector-General's Accounts of Imports and Exports, &c.—*continued.*

The several countries.	For what time.	Amount of the estimates or values of the several merchandizes imported.	Amount of the estimates or values of the several merchandizes exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Ireland	From—						
	Michaelmas 1696 to Michaelmas 1697	219,540 18 4½	251,262 3 7	—	31,721 5 2½	—	—
	Michaelmas 1697 to Michaelmas 1698	333,968 9 5½	293,813 13 6½	40,154 15 11	—	—	—
	Michaelmas 1698 to Christmas 1698	62,267 4 0½	64,571 4 2½	—	2,304 0 2½	—	—
	Christmas 1698 to Christmas 1699	417,475 5 6	270,400 19 8	147,074 5 10	—	—	—
	Total	1,033,251 17 4½	880,048 1 0½	187,229 1 9	34,025 5 4½	153,203 16 4½	—
Italy	Michaelmas 1696 to Michaelmas 1697	80,097 16 1½	38,765 8 5½	41,332 7 8	—	—	—
	Michaelmas 1697 to Michaelmas 1698	163,624 17 9½	82,011 5 3½	81,613 12 6	—	—	—
	Michaelmas 1698 to Christmas 1698	32,286 16 8½	65,481 16 1½	—	33,194 19 4½	—	—
	Christmas 1698 to Christmas 1699	329,188 16 2	100,549 7 4	228,639 8 10	—	—	—
	Total	605,198 6 9½	286,807 17 2½	351,585 9 0	33,194 19 4½	318,390 9 7½	—
Madeiras	Michaelmas 1696 to Michaelmas 1697	2,640 11 10½	6,777 5 6½	—	4,136 13 8½	—	—
	Michaelmas 1697 to Michaelmas 1698	1,270 12 6½	26,762 9 1	—	25,491 16 6½	—	—
	Michaelmas 1698 to Christmas 1698	18 4 0	164 0 0	—	145 16 0	—	—
	Christmas 1698 to Christmas 1699	2,298 0 4	7,741 1 4½	—	5,443 1 0½	—	—
	Total	6,227 8 9	41,444 16 0½	—	35,217 7 3½	—	35,217 7 3½
Newfoundland	Michaelmas 1696 to Michaelmas 1697	2,359 15 4	21,659 10 11	—	12,299 15 7	—	—
	Michaelmas 1697 to Michaelmas 1698	4,899 13 1	15,620 9 1	—	10,720 16 0	—	—
	Michaelmas 1698 to Christmas 1698	15,938 15 9¾	—	15,938 15 9¾	—	—	—
	Christmas 1698 to Christmas 1699	18,402 6 1¼	17,661 8 5¼	740 17 8	—	—	—
	Total	48,600 10 4	54,941 8 5½	16,679 13 5½	23,020 11 7	—	6,340 18 1½

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1701–1702.

No. 1717.

An Abstract of the Inspector-General's Accounts of Imports and Exports, &c.—*continued.*

The several countries.	For what time.	Amount of the estimates or values of the several merchandizes imported.	Amount of the estimates or values of the several merchandizes exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Turkey	From— Michaelmas 1696 to Michaelmas 1697	337,776 7 1	45,752 3 0	292,014 4 1	—	—	—
	Michaelmas 1697 to Michaelmas 1698	162,057 5 3¼	172,049 3 4½	—	10,011 18 1¾	—	—
	Michaelmas 1698 to Christmas 1698	1,406 9 9¼	19,012 0 11½	—	17,605 11 2	—	—
	Michaelmas 1698 to Christmas 1699	255,904 0 5¼	223,447 9 1¼	32,456 11 3¾	—	—	—
	Total - - -	757,114 2 6¾	460,260 16 5¾	324,470 15 4¾	27,617 9 3¾	296,853 6 1	—
Venice	Michaelmas 1696 to Michaelmas 1697	20,268 9 0¾	6,017 0 3¾	14,251 8 9	—	—	—
	Michaelmas 1697 to Michaelmas 1698	53,601 13 2½	12,806 9 8	40,795 3 6½	—	—	—
	Michaelmas 1698 to Christmas 1698	27,983 19 1¼	—	27,983 19 1½	—	—	—
	Christmas 1698 to Christmas 1699	50,051 13 9	34,034 10 7	16,017 2 2	—	—	—
	Total - - -	151,905 14 1½	*52,859 0 6¾	99,047 13 6¾	—	99,047 13 6¾	—
Isles of Guernsey, &c.	Michaelmas 1696 to Michaelmas 1697	12,328 16 4¾	15,046 7 3⅜	—	2,717 10 11½	—	—
	Michaelmas 1697 to Michaelmas 1698	26,138 1 1¼	30,959 19 7⅝	—	4,821 18 6¼	—	—
	Michaelmas 1698 to Christmas 1698	3,947 7 3	5,382 15 8⅝	—	1,435 8 5⅜	—	—
	Michaelmas 1698 to Christmas 1699	25,985 15 0¼	28,948 12 4½	—	2,962 17 4¼	—	—
	Total - - -	68,399 19 9¼	80,337 15 1	—	11,937 15 3¾	—	11,937 15 3¾
English Plantations	Michaelmas 1696 to Michaelmas 1697	588,502 10 1¾	289,271 9 6¼	299,231 0 7¾	—	—	—
	Michaelmas 1697 to Michaelmas 1698	866,383 8 6¼	771,234 14 3¼	95,698 1 3½	—	—	—
	Michaelmas 1698 to Christmas 1698	170,345 3 1¾	239,378 0 6¾	—	69,032 16 11⅜	—	—
	Christmas 1698 to Christmas 1699	916,190 19 1¼	748,029 12 0¾	168,161 7 0¾	—	—	—
	Total - - -	2,541,971 18 10½	2,047,913 16 4½	563,090 9 5¾	69,032 16 11½	494,057 12 5½	—

* 52,858 0 6¾

PRIZE GOODS - -	Michaelmas 1696 to Michaelmas 1697	54,832 4 9⅓	—	54,832 4 9⅓	—	—	—
	Michaelmas 1697 to Michaelmas 1698	160,996 8 4	—	160,996 8 4	—	—	—
	Michaelmas 1698 to Christmas 1698 -	7,553 18 1½	—	7,553 18 1½	—	—	—
	Christmas 1698 to Christmas 1699 -	5,986 9 6½	—	5,986 9 6½	—	—	—
	Total - - -	229,369 0 9¼	—	229,369 0 9¼	—	229,369 0 9¼	—

THE TOTALS OF THE SEVERAL YEARS, VIZ.

The several countries.	For what time.	Amount of the estimates or values of the several merchandises imported.	Amount of the estimates or values of the several merchandises exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
FROM - -	From— Michaelmas 1696 to Michaelmas 1697	3,446,026 16 10¾	3,474,627 3 10½	1,302,847 5 6¼	1,331,447 12 6¾	—	28,600 7 0½
	Michaelmas 1697 to Michaelmas 1698	4,732,360 5 6	6,361,108 10 1	826,196 1 8¾	2,454,944 6 3¾	—	1,628,748 4 7
	Michaelmas 1698 to Christmas 1698 -	1,106,853 4 2½	1,524,342 1 5	283,633 15 3¾	701,122 12 5¾	—	417,488 17 2½
	Christmas 1698 to Christmas 1699 -	5,640,506 6 9½	6,788,166 17 6¼	1,121,492 0 2¾	2,269,152 10 11¼	—	1,147,660 10 9
	Grand Total - -	14,925,746 13 4	18,148,244 12 11	3,534,169 2 9	6,756,667 2 4	—	3,222,497 19 7

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An account of the silver and gold exported, by the ounce troy, in the following years, with the value thereof, viz. :—

For what time.	Silver.	Gold.	Silver at 5s. per ounce amounts to—	Gold at 4l. per ounce amounts to—
	Ounces.	Ounces.	£ s. d.	£ s. d.
From— Michaelmas 1696 to Michaelmas 1697	160,977	1,718	40,244 5 0	6,872 0 0
Michaelmas 1697 to Michaelmas 1698	1,820,388	2,385	455,097 0 0	9,540 0 0
Michaelmas 1698 to Christmas 1698 -	948,289¾	491¾	237,072 8 9	1,967 0 0
Christmas 1698 to Christmas 1699 -	3,367,524	7,307¼	841,881 0 0	29,229 0 0
Total - - -	6,297,178¾	11,902	1,574,294 13 9	47,608 0 0

Silver and gold being imported free of any duty, is taken up without entry or warrant, and consequently is not included in the importation accounts, whereas all silver and gold exported is entered outwards and an exact account taken thereof which does very much swell the importation accounts.

Upon the several trades of Sweden, Denmark and Norway, East Country and Russia, the excess is very much on the importation side, (which is a demonstration these trades are less profitable to us), and the same may reasonably be supposed to arise from their clandestine carrying away of our milled money instead of our manufactures.

Please to observe that such clandestine exportation of our coin by the Swedes and Danes, &c., may reasonably be thought to go a good way towards the balance of the silver imported without entry, and probably puts that account almost upon an equal foot.

Please also to observe that in these accounts there are no merchandize directly imported from the Straits, but great quantities exported thither, the reason of which is that the merchandize brought from those parts are still entered here from the port or place whence shipped, and consequently are applied to those respective kingdoms' or countries' account, whereas the merchandize entered out hence for the Straits are sent on a trading voyage to be sold where they can best find a market, either in Spain, Venice, Italy or Turkey, and this is none of the least reasons why the excess of those countries vary so very much, and are some years on the importation side and other years on the exportation side, as those merchandize happened to be disposed of.

Custom House, London, 12 Feb. 1701-2. WILL. CULLIFORD, Inspr.-Genl.

Memorandum.—There is another year's account which will end at Christmas 1700, that will be ready within a month.

[Delivered at the Bar by the Inspector-General of Customs this day. MS. Min. The Lords, acting on the advice of a Select Committee, presided over by E. Manchester, had made an Order on 9 Jan. 1695 that an annual account of all branches of the trade of the Country should be laid before the House. L. J., XV. 634.]

1718. Feb. 16. Plantation Trade.—Report of the Commissioners for Trade and Plantations, as follows:—

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

May it please your Lordships,

In obedience to your Lordships' Order of the 5th instant, requiring us to lay before your Lordships in writing, an account of what

we have done in relation to the plantation trade since our last representation, which was laid before the Right Honourable the Lords Committees appointed to consider the state of the trade of this Kingdom the 15th of February $169\frac{6}{7}$, we humbly take leave to represent,

Correspondence with Governors. That in pursuance of our Commission, we have managed a constant correspondence with all the Governors appointed by his Majesty's immediate Commission, and occasionally with all the rest. In the course whereof the Journals of their Councils and Assemblies and other public proceedings, with accounts of all matters whatsoever relating to their respective governments, have been considered by us, and the necessary orders returned thereupon: more particularly the Acts of the several Assemblies transmitted to us have been examined, and our Reports thereon made to his Majesty in his Privy Council, for his Royal Assent, or Disallowance. In all which we have, according to our duty, had special regard to the interest and improvement of the trade of England, as well as to the good of the plantations.

Commissions and nstructions for Governors. As vacancies or removes have happened in the government of any of the plantations, we have prepared drafts of Commissions and instructions for the new Governors appointed by his Majesty, with such provisions and alterations, from time to time, as we have conceived suitable to the circumstances, and proper as well for the security and defence of those several places as for the advantage of the trade thereof.

Convoys and men-of-war for the plantations. We have, upon several occasions, proposed to his Majesty the appointing of convoys for the plantations, and of ships of war necessary to attend and protect the trade of those plantations; and, upon the complaints of the inhabitants there, or merchants in England, of hardships in the pressing of men and otherwise, by captains of men-of-war in those parts, we have presented to his Majesty regulations therein, which have had a good effect.

Courts of Admiralty. Upon information from the Officers of his Majesty's Customs in the plantations and others, of the partiality of the people there and more particularly in the propriety governments, in all trials upon the Acts of Trade, wherein their private interest is concerned, and of the difficulties in obtaining any execution of those Acts in the former method, we did represent the usefulness of Courts of Admiralty in the plantations; upon which such Courts have since been erected, and where their authority has not been disputed they have proved a great encouragement to legal traders.

Colours for ships commissionated by Governors. In obedience to his Majesty's commands relating to merchant ships in the West Indies, which being commissionated by the Governors of his Majesty's plantations had carried such colours as ought only to be borne by his Majesty's ships of war, we did humbly offer our opinion that his Majesty's Governors in the plantations having Vice-Admiralty jurisdiction, it was as well for the security of the ships so employed by them, as for the dignity of his Majesty's Commission, that such ships, though they should not wear exactly the same colours as his Majesty's ships of war, yet should be distinguished from ordinary merchant ships and trading vessels. And accordingly such a mark of distinction was agreed on by the Lords Commissioners of the Admiralty, and the necessary directions thereupon given by us to the several Governors of his Majesty's plantations.

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Boundaries between French and English on the Continent.

We have made several representations relating to the boundaries between his Majesty's plantations and those of the French upon the Continent, particularly in the north-eastern parts of New England, where they have endeavoured to encroach upon us, both as to the land and fishery.

Claims of foreign princes to islands in America.

We have also made divers representations in defence of his Majesty's title to several islands in America, claimed by foreign princes, of which one is a claim made by the Elector of Brandenburg, now King of Prussia, to the Island of New Tertholen, lying amongst his Majesty's Leeward Carribee Islands. One made by the French King to the Island of Sta. Lucia, lying amongst the Windward Carribee Islands. One made by the French King to the Island of Tobago, lying also amongst the Windward Carribee Islands, and another by the Duke of Courland to the same Island.

Tobago.

And whereas some persons here, under pretence of agreement with the Duke of Courland's envoy, were afterwards contriving to settle the said Island of Tobago, under the title and protection of that Prince, we offered to his Majesty such considerations as put a stop to that design, and thereby prevented the great prejudice which such a settlement would have caused to the Island of Barbados and the trade of this Kingdom.

Sta. Lucia.

In pursuance of our foresaid Report relating to his Majesty's right of sovereignty over the Island of Sta. Lucia, directions having been given to the Governor of Barbados for maintaining the same, and the French Ambassador having complained to his Majesty of those proceedings, and still insisted on the French King's right to that Island, we again laid before his Majesty a full deduction of his Majesty's titie to the said Island, in answer to the French pretensions.

Dominica.

The said Ambassador having likewise presented to his Majesty a memorial, complaining of a design alleged by him to be carrying on by some of the inhabitants of Barbados, in order to the settling the Island [of] Dominica, (another of the Carribee Islands), and having therein questioned the right of the English to the said Island, we did, by a like deduction, state and assert his Majesty's title thereunto.

Controversies between some of his Majesty's colonies.

Upon controversies that have happened between some of his Majesty's colonies and others relating to their boundaries, especially between his Majesty's government and proprieties, and upon different claims which have been set on foot to some whole provinces: We have examined all their respective titles and the necessary instructions have been given by his Majesty thereupon.

Boundaries between New York and Connecticut.

More particularly upon a controversy between his Majesty's province of New York and the Charter Government of Connecticut colony in New England, relating to their boundaries; we examined the pretensions of both sides, and reported to his Majesty the state thereof, together with drafts of letters for his royal signature, and an instrument proper for the determining and settling those boundaries.

Five nations of New York Indians.

We have often represented the necessity of preserving the friendship of the five nations of Indians upon the Northern frontiers of New York, (which are a barrier between his Majesty's plantations and Canada), by treating them kindly, furnishing the usual presents, and showing them a force constantly maintained in the province of New York, ready to protect them upon all occasions.

Naval stores.

We have applied ourselves to promote the importation of naval stores from New England and other his Majesty's plantations; and for the carrying on that design, his Majesty was pleased upon our applications to order the Navy Board to send Commissioners to New England, who were likewise joined with Commissioners of that colony, for viewing and inspecting the woods lying upon that coast, and for providing his Majesty's Navy with masts and other necessary materials for building of ships, as also with pitch, tar and rosin, of which great quantities may be produced in those parts. But the specimens sent home by them did not receive the approbation of the Officers employed by the Commissioners of the Navy to inspect them. Though by the informations which we have had from several merchants and others on this subject, we are assured that such materials may be furnished from those parts as may prove serviceable to the nation. The importance of this design obliged us also to direct the late Earl of Belmont [Bellomont] to use his utmost endeavours to advance it in the provinces under his government, and he having found the dearness of labour in those parts, where the inhabitants are not numerous, to be a great obstruction to that for which nature otherwise afforded great advantages, did thereupon form a proposal or scheme for making pitch, tar and rosin in the province of New York, by the labour of soldiers, who might at the same time serve for the defence of the said province bordering upon the French. His Lordship having communicated to us this scheme, which takes in as well the security of that frontier as the production of those stores, we laid before their Excellencies the Lords Justices, in October 1700, a particular Report upon that whole matter, setting forth the difficulties which appeared to us therein; the absolute necessity of putting some part of it relating to the security of the province in execution; the advantages that would accrue from the whole in case it could be made practicable, and the proceedings which had already been made towards it. We also laid before their Excellencies a separate Report upon the subject of masts and ship timber which may be furnished from Piscataway and other parts of New England, as well as from New York, setting forth the state of his Majesty's woods in those parts. The great waste and spoil that is daily committed in them, by converting oaks and pines of the largest dimensions into pipe staves and deal boards. The great consumption likewise of timber by a trade to Spain and Portugal, which is not prohibited by law, and the advantages that may be drawn from those woods to England, if there were a due provision by laws, which we accordingly proposed to be made, and, having thereupon received his Majesty's directions, we prepared a letter for his royal signature to the Earl of Belmont, requiring him that he would use his endeavours with the Assemblies there, to pass Acts proper for that end; or, in case he could not prevail with them to do what is requisite, that he would report particularly what may be fit to be done here, which letter was sent to his Lordship. But his death happening not long after, it did prevent the effect thereof, and we have since understood that the

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Council and Assembly of the Massachusetts Bay are very averse to the passing of any new Acts for the regulating of those matters, so as might be necessary for his Majesty's service and the interest of England. We shall, therefore, take care that proper instructions be prepared for the Governor who his Majesty is now sending thither. In relation to naval stores, there have likewise proposals been made to us by some merchants of the city of London, for importing certain quantities of pitch, tar and rosin at certain prices, but upon condition that they might be incorporated, which occasioned our jealousy of their designing to set up a new trade of stock jobbing; and their refusing to submit to proper provisoes for the preventing thereof, confirmed us in it. The prices also proposed by them were much higher than the cost of the same commodities imported from other places, so that upon this whole matter, we are of opinion that though his Majesty's plantations are capable of furnishing naval stores of all sorts in great abundance, yet the first attempts of that kind will be very chargeable, and not to be effected without greater assistance from the public than the inhabitants of the plantations or other private traders, are capable to furnish.

Justice in the plantations. { We have taken the best care we could that his Majesty's subjects in the plantations should be freed from oppression as to their civil rights, and that equal justice should be administered to them, of which we humbly offer to your Lordships the following instances.

Barbados. { A complaint made by the Commissioners of his Majesty's Customs at Bridgetown, in Barbados, to the Lords Commissioners of his Majesty's Treasury having been referred to our consideration, and finding thereby that he and other Officers of the Customs in Barbados by their diligence in making seizures upon some violations of the Acts of Trade and Navigation, had made themselves enemies, and laboured under difficulties in the execution of their trusts; but that by the countenance of the Governor they had been enabled to proceed in the discharging thereof, we found it absolutely necessary that not only the Officers of the Customs but those also of the Admiralty, should be very particularly recommended to the respective Governors of all his Majesty's plantations, and accordingly we humbly proposed to their Excellencies, the then Lords Justices, that they would be pleased to sign circular letters, (which we prepared), to the said Governors, and especially to those in Proprietary and Charter Governments, requiring them to give constant protection and all due encouragement to the said Officers in the discharge and execution of their respective duties, and the said letters were accordingly despatched. It having been represented to us by the executors of Sir Peter Colleton, that James Colleton, of Barbados, brother to the said Sir Peter, had upon his death seized his estate in that island and converted it to his own use, and that the said executors, having brought their action against him could not obtain redress, by reason of that he, the party concerned, was Judge in the precincts where the controversy was depending; we thereupon gave directions to the President and Council of that Island, the Governor being then dead, that they should appoint some other impartial Judge to hear and determine that matter, and further take care that no person should either be Judge in his own case, or by being Judge in any precinct where matters in controversy between him and others lie, should have it in his power to obstruct the course of justice. But having some time after been informed by the said executors that they had not obtained relief, we again represented the matter to the Lords Justices, and Mr. Grey, at present Lord Grey, being

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then constituted Governor of that Island, we wrote to him by their Excellencies' order to the same effect, and in answer thereunto did receive from him a certificate signed by the attornies of the foresaid executors there, declaring that though their suit had indeed been tedious, yet they could not charge Judge Colleton with making any use of his authority in causing those delays, but that they imputed them to the death of the late Governor, Colonel Russel, and the changes that had ensued in the commissions of Judges. That we might be informed of what abuses had been committed, and that for the future care might be taken in all matters relating to the administration of justice in that Island, we sent to Mr. Grey the following directions, viz.: "That he should "transmit to us a copy of the register and minutes of the Chancery, and "of the minutes and business done at the Court of Errors since his "arrival in that Island. That he should send a particular account and "list of all Causes that then stood entered in the Chancery or were "depending there, and how long each of them had been so depending. "An account likewise specifying each day of the month that a Court of "Chancery and Court of Errors had been held, and how many successive "days that Court had at any time continued to sit, since his arrival in "that government: in which account the proceedings of each day were "also to be severally set down, and the names of such members of "Council as attended each day, inserted. An account how many final "Decrees had been made there since his arrival, how many injunctions "granted, how many dissolved, and how many remained still in force. "And whereas by an Act of that Island, made in the year 1661, the "five several Courts of Common Law have certain days appointed for "their sitting. That we expected from him a particular account how "many of the said days each of those Courts had sat since his entering "upon that government, together with an account of the business they "had done each day, copied from their minutes. These accounts to be "fully and plainly given by the registrars or other proper officers of the "respective Courts, and sufficiently attested, which accordingly has "been done. We further directed that for the future, he should hold "the Court of Chancery, as often and for as long a time as should be "requisite for despatch of the several Causes depending before that "Court; and that an exact account should be always kept of "the names of such of the Council as do give their attendance "during the sitting of the said Court, so that the registrar "or other proper officer may be able to give a particular account "thereof on oath from time to time, if the same shall be required"; which, by letters from my Lord Grey, we were assured should be complied with. A petition having since been presented to his Majesty in the name of John Loder, Esq., and others, complaining of great neglect in holding Courts of Chancery in that Island and want of despatch of business in those Courts, which his Majesty was pleased to refer to our consideration, we thereupon directed and instantly required Mr. Grey to be more careful in the expediting of justice, and to hold Courts of Chancery without any recess or intermission till all the Causes depending there should be determined. About the same time also, two other petitions having been presented to his Majesty one by Isaac Hawkins, the other by Thomas Hodges, Esqs., containing in like manner great complaints of delays and undue proceedings in the Courts of Justice of Barbados; upon which his Majesty was pleased to require us to examine those matters and to report what we conceived fit to be done therein. We made our Report accordingly, and further proposed that his Majesty would be pleased by Letters under his Royal

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signature, to give directions to the Governor, for the redress of all irregularities of that nature; which letters were prepared by us and sent. We afterwards received from Lord Grey and the Council of Barbados, an answer to the foresaid complaints, which we communicated to Mr. Hodges, one of the chief complainants; and, having received his reply, we reported our opinion to his Majesty upon the whole matter, the 12th of December last. And, upon a new petition of the foresaid Mr. Isaac Hawkins, we made a further Report the 29th of January last, which Reports we humbly conceive may show the good effect of our care, and of the directions which have been given from time to time on that behalf.

Bermuda Islands. The disorders in the Bermuda Islands having been considered by us, both in respect to trade and to the administration of justice, two Lieutenant-Governors of the said Islands, viz., Captain John Goddart and Mr. Samuel Day, have, upon the representations we made of the irregularities of their conduct in those matters, been recalled. And, upon the constituting of Captain Benjamin Bennett to be Governor, we did, in the instructions which he received from his Majesty, insert such clauses as may tend to reform the abuses which his predecessors had been guilty of. And from him we have received assurance that he does employ his utmost care therein.

Leeward Islands. As to the Leeward Islands, some inconveniences having arisen in the administration of justice, by reason that some of the Judges or Assistants of the inferior Courts have also been members of the Council of that Island where the Governor usually resided, which is the Supreme Court for hearing and determining appeals from all the others, we prepared an instruction which his Majesty was accordingly pleased to give to Colonel Codrington, the present Governor, for reforming of that irregularity, and before his going over, a complaint having been brought to us in the names of divers inhabitants of St. Christopher's against Captain James Norton, Lieutenant-Governor of the English part of that Island, for several oppressions, exactions and other illegal practices; we gave directions thereupon to Colonel Codrington, who, having enquired into the truth of those complaints, suspended the said Norton from his government, till his Majesty's pleasure therein should be further known. And, upon a representation made by us on that subject, his Majesty has been pleased to remove the said Norton from that trust.

Virginia. From Virginia some complaints have been made to us, that the members of the Council of that colony were not subject to prosecutions at law for the payment of their just debts, and that other inconveniences had ensued, as well in relation to trade as justice, by the methods settled and ordinarily practised in the administration of that government, whereupon, we offered to the Lords Justices the draft of several instructions which we conceived proper to remedy what appeared to us not fit to be allowed, together with the particular reasons that moved us to propose each alteration. And those instructions were accordingly given by their Excellencies to Colonel Nicholson at his first entrance upon that government.

Maryland. Upon complaint also from Maryland, of inconveniences in the methods of administrating that government, and the want of some further provision for preventing undue practices both in trade and in the course of justice;

in order to the remedying thereof, we offered in like manner, several alterations to be made in the Governor's instructions, which were accordingly given to Colonel Blackiston, together with his Commission for the government of that province.

New York. As to the administration of justice in New York, the late Earl of Belmont having complained to us of the want of persons in that province fitly qualified for that service, and desired that a Chief Justice and an Attorney-General might be sent from hence, his Majesty was pleased to appoint such officers, and they are further authorised by Admiralty Commissions, the one to be Judge and the other Advocate-General in the Admiralty Courts, both there and in the neighbouring colonies.

New Hampshire. We have had great complaints of a disorder in the province of New Hampshire, occasioned by a difference between the Lieutenant-Governor and some members of the Council there, who forcibly displaced him and assumed the government in his stead, which we accordingly represented to the Lords Justices; and directions having thereupon been given to the late Earl of Belmont, whose Commission for that government superseding their authorities, or pretended authorities on both sides, their heats were also in good measure allayed by his presence amongst them.

Appeals. New Hampshire. In relation to the administration of justice there since that time, the Proprietor of the said province, Mr. Samuel Allen, having in a petition to his Majesty complained that in a trial in the Superior Court of Judicature in that province, upon an action of ejectment, in order to the determining his right to the propriety and quit-rents claimed by him, the Judges and juries being tenants and consequently parties, a verdict had passed against him. Upon which, an appeal not lying there because of the smallness of the sum and the same being therefore desired here, his Majesty was pleased, upon our representation of the extraordinary nature of that case, (upon which the property and quit-rents of that whole province depend), to allow of such appeal. And, upon divers petitions from the proprietary colonies upon occasion of their refusing to admit appeals to his Majesty in Council, we have made many other representations upon that subject.

Act for Ministers in Maryland. Upon the petition of several Dissenters in Maryland, complaining of an Act passed in the Assembly of that province, entituled, An Act for the service of Almighty God and establishment of religion in that province, according to the Church of England, which Act being inconsistent with the title, and, (according to what the petitioners represented), interfering with the Acts of Settlement there, as also with the Act of Toleration, and being like to prove a hardship upon them and a discouragement to the plantation trade, if the same should be confirmed by his Majesty, we did, after hearing the parties, represent that matter to his Majesty, and by his Majesty's directions prepared a new draft of an Act to be offered to the Assembly of Maryland For the establishment of religious worship in that province, according to the Church of England, and for the maintenance of Ministers; which draft was sent to Maryland, having been first approved of by his Grace the Lord Archbishop of Canterbury and the Lord Bishop of London.

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State of trade in the plantations.

The present state of his Majesty's plantations in relation to trade will best appear by the accounts we have from Governors and the Naval Officers in those parts, and from the abstract of imports and exports here. In this manner we find that there was—

Exported from the island of Jamaica to England, from Christmas 1697 to Michaelmas 1698, the goods following, viz. :—

Sugar :—		Fustic :—Tons	204
Hogsheads	12,461	Stock fish wood :—Tons	60
Barrels	521	Cocoa nuts :—	
Indigo :—		Hogsheads	57
Hogsheads	14	Barrels	222
Barrels	914	Sarsaparilla :—Bags	83
Pimento :—		Braziletto wood :—Tons	37
Hogsheads	68	Hides	575
Barrels	140	Elephants' teeth	27
Ginger :—Bags	2,470	and	
Cotton :—Bags	913	Some small parcels of other sorts of goods.	
Logwood :—Tons	699		

Jamaica. From Michaelmas 1698 to the 12th December 1699.

Sugar :—		Ginger :—Bags	1,415
Hogsheads	10,758	Cotton :—Bags	1,032
Barrels	216	Logwood :—Tons	1,641½
Indigo :—		Stock fish wood :—Tons	761
Hogsheads	3	Lignum vitæ :—Tons	10
Barrels	914	Braziletto wood :—Tons	3
Pimento :—		Ebony :—Tons	4
Hogsheads	152	Lime juice :—Hogsheads	192
Barrels	244	Tortoise shell :—Barrels	10
Elephants' teeth	329	Molasses :—	
Cocoa nuts :—		Hogsheads	115
Hogsheads	3	Barrels	10
Barrels	10	Rum, for the other plantations :—Hogsheads	58
Cinnamon bark :—Bags	50		

From the 25th December 1699 to the 29th September 1700.

Sugar :—		Braziletto wood :—Tons	47
Hogsheads	9,219	Elephants' teeth	1,158½
Barrels	243	Lignum vitæ :—Tons	2
Indigo :—		Cocoa nuts :—Barrels	149
Hogsheads	16	Sarsaparilla :—Bags	151
Barrels	665	Ebony :—Tons	1
Pimento :—		Lime juice :—Hogsheads	87
Hogsheads	52	Tortoise shell :—Barrels	4
Barrels	136	Cinnamon bark :—Bags	32
Ginger :—Bags	2,069	Molasses :—Hogsheads	240
Cotton :—Bags	1,580	Jamaica dying wood :—	
Logwood :—Tons	2,099	Tons	20
Fustic :—Tons	101	Rum, for the other plantations :—Hogsheads	156
Stock fish wood :—Tons	127		

Note.—Each hogshead of Jamaica sugar contains about 7 cwt.

Barbados. Exported from the island of Barbados to England from the 25th March 1698 to the 25th March 1699.

White sugar :—		Molasses :—	
Hogsheads	976	Hogsheads	1,830
Barrels	575	Barrels	70
Tierces	152	Logwood :—Tons	11
Brown sugar :—		Aloes, lime juice and some small parcels of other commodities ; also rum for the plantations.	
Hogsheads	18,401		
Barrels	4,473		
Tierces	1,247		
Cotton :—Bags	1,251		
Ginger :—Bags	13,273		

From the 25th March 1699 to the 25th March 1700.

White sugar :—		Braziletto wood :—Tons	36
Hogsheads	389	Cotton :—Bags	1,048
Barrels	143	Ginger :—Bags	5,830
Tierces	119	Molasses :—	
Brown sugar :—		Hogsheads	2,673
Hogsheads	14,022	Barrels	78
Barrels	2,749	Lime Juice :—Tons	10
Tierces	1,128	Aloes :—Gourds	160

From the 25th March 1700 to the 24th June following.

White sugar :—		Molasses :—	
Hogsheads	61	Hogsheads	2,468
Barrels	56	Barrels	242
Tierces	20	Tierces	186
Brown sugar :—		Rum, for the other plantations :—	
Hogsheads	11,462	Hogsheads	924
Barrels	2,922	Barrels	1,130
Tierces	818	Tierces	1,042
Ginger :—		Kegs	100
Bags	5,394	Some small parcels of wood, aloes and lime juice.	
Hogsheads	31		
Barrels	168		
Cotton :—Bags	816		

Note.—Each hogshead of Barbados sugar contains about 10 cwt.

New York. Exported from the province of New York to England, from the 8th June 1698 to the 25th March 1699.

Sugar :—		Saxifrage :—Pounds weight	1,500
Hogsheads	156	Logwood :—Tons	39
Barrels	77	Fustic :—Tons	56
Tierces	10	Lignum vitæ :—Pounds weight	4,200
Indigo :—		Elk skins	160
Hogsheads	8	Hides	107
Barrels	46	Bear skins	37
Tierces	2	Peltry :—	
Ginger :—		Hogsheads	26
Bags	14	Tierces	10
Barrels	9	Cases	77
Cocoa nuts :—Barrels	41	Bundles	364
Pimento :—		Castorum :—Kegs	3
Hogsheads	1	Oil :—Barrels	51
Barrels	4	Turpentine :—Barrels	20
Elephants' teeth	58	Sturgeon :—Kegs	12
Braziletto wood :—Tons	18		

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Sugar :—		Peltry :—	
Hogsheads	114	Hogsheads	19
Barrels	42	Barrels	7
Tierces	4	Cases	17
Indigo :—Barrels	3	Bundles	101
Cocoa Nuts :—Barrels	10	Oil :—Barrels	3
Pimento :—Hogsheads	1	Molasses :—Hogsheads	24
Braziletto wood :—Tons	14	Tobacco :—Hogsheads	78
Logwood :—Tons	396	Turpentine :—	
Fustic :—Tons	13	Hogsheads	2
Negrera wood :—Tons	2½	Barrels	164
Cotton :—Bags	3	Cochineal :—Bags	3
Elk skins	55		

From the 25th June 1700 to the 25th September following.

Sugar :—		Braziletto wood :—Tons	62
Hogsheads	3	Molasses :—Hogsheads	56
Barrels	1	Peltry :—	
Logwood :—Tons	83	Barrels	16
Oil :—		Cases	12
Tons	18	Bundles	16
Barrels	228		

Exported from Virginia, one year with another, from 35 to 40,000 hogsheads of tobacco.

Exported from Maryland, one year with another, from 25 to 30,000 hogsheads of tobacco.

Note.—Each hogshead of tobacco contains 5 cwt.

By the Abstracts of the Custom House books, it appears that the value of importations and exportations from and to the several plantations, from Michaelmas 1697 to Michaelmas 1698, were as follows :—

Valuations.	Imported into England from the plantations.	Exported from England to the plantations.
	Pounds.	Pounds.
Barbados	308,089	146,849
Nevis	54,748	14,547
Antigua	52,903	20,756
Montserrat	24,421	3,369
Jamaica	189,566	120,774
Bermuda	2,926	3,970
Carolina	9,265	18,460
Bahama Islands	184	—
Virginia and Maryland	174,052	310,133
Pennsylvania	2,720	10,701
New York	8,763	25,278
New England	31,254	93,475
Hudson's Bay	8,031	2,852
	866,922	771,164

From Christmas 1698 to Christmas 1699.

Valuations.	Imported into England from the plantations.	Exported from England to the plantations.
	Pounds.	Pounds.
Barbados	273,947	150,968
Nevis	74,857	16,477
Antigua	109,440	30,435
Montserrat	23,162	7,159
Jamaica	174,844	136,690
Bermuda	58	1,330
Carolina	12,362	11,399
Bahama Islands	—	302
Virginia and Maryland	198,115	205,074
Pennsylvania	4,540	17,062
New York	16,818	42,781
New England	26,660	127,277
Hudson's Bay	4,235	944
	919,002*	747,898

Newfoundland. { We have made divers representations for the security and improvement of the Newfoundland trade and fishery, as well during the war as since the peace, and have constantly every year examined into and taken an account of the course and progress of that trade. In this manner, upon sending a convoy thither the last year, under the command of Captain Graydon, we gave him several heads of enquiry relating to the trade and fishery of those parts, with particular regard to the late Act of Parliament for the better regulation thereof. We likewise gave such heads of instructions to Mr. Larkin, a person sent through all the plantations upon another occasion, as we conceived proper with relation to that trade; and have from them received accounts, the chief particulars whereof are as follow:—That in general the inhabitants have not a due regard to the several regulations for the more advantageous management of the fishery; it being found northward of St. John's, as far as Carbonear, and to the southward as far as Ferryland, the trees are rinded and the woods destroyed as much as before the late Act. That the Admirals and masters of ships do not exactly observe the rules prescribed by Act of Parliament. That as to the Admirals keeping of journals and accounts, there are few of them capable of doing it as the Act directs. That the Admirals before the 20th of August will hear some complaints, but after that time none are made to them, they being generally the greatest offenders themselves. That the vessels from New England supply the people of Newfoundland with provisions, viz., bread, beef, pork, flour, pease, butter, boards and great quantities of Virginian tobacco. That the European commodities carried to Newfoundland by the masters of English ships are as follows:—From France: brandy,

* The totals of the figures in this column should be 919,038.

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wine, salt, linen, canvas, paper, hats and silks. From Spain: wine, brandy and iron; and from Portugal: wine, brandy, salt, oil and linen; all which goods are sold or trucked with the traders from New England for tobacco, sugar and other of the enumerated commodities, which they carry to foreign parts, so that at the latter end of the year, the masters are wholly taken up in the management of that illegal trade, which might in some measure be prevented had the officer or officers commanding his Majesty's ships power, like that of a Custom House officer, to seize such goods. That the New England traders seldom depart the country till the men-of war are first sailed, and then they carry with them numbers of handicraftsmen, seamen and fishermen, whom they entice thither in expectation of great wages. That the masters of ships are very negligent in bringing their men home, whereby they save the charge of their passage, and those men so left are enticed and carried to New England. That the reason why the New England men do fish upon the coast of Newfoundland, (besides their illegal trade), is that they may get those men from thence; they having otherwise a more advantageous fishery on their own coast. Against which irregularities we humbly offer that it seems very expedient some further provision be made by law.

State of the trade and fishery at Newfoundland.

In the meanwhile in order a more perfect view of the state of that trade and fishery, we humbly lay before your Lordships the following accounts thereof, and of the planters there for several years:—

1698.

Number of ships	—	252
Burden of the said ships	—	24,318 tons
Number of men belonging to the ships	—	5,179
Number of boats belonging—		
To ships	532	929
To planters	397	
Quantity of fish made—		
By ships	114,700	265,852 [cwt.]
By inhabitants	151,152	
Number of inhabitants—		
Men	284	2,640
Women	176	
Children	286	
Servants	1,894	

1699.

Number of ships—		
Fishing ships	166	234
Sack ships	68	
Number of boats—		
Fishing ships' boats	669	1,241
By-boats	115	
Inhabitants' boats	457	
Quantity of fish made this year	—	372,300 cwt.
Number of inhabitants	—	3,009

1700.		
Number of ships		
Fishing ships	171	220
Sack ships	49	
Number of men belonging to the ships	—	4,960
Number of boats—		
Fishing ships' boats	800	1,564
By-boats	90	
Inhabitants' boats	674	
Quantity of fish made this year	—	312,000 cwt.
Number of inhabitants	—	3,773

1701.		
Number of ships—		
Fishing ships	75	121
Sack ships	46	
Burden of the fishing ships	—	7,991 tons
Number of boats—		
Fishing ships' boats	338	993
By-boats	97	
Inhabitants' boats	558	
Number of by-boat men	—	407
Quantity of fish made—		
By ships	79,820	216,320 cwt.
By the inhabitants	136,500	
Quantity of fish carried to market	—	154,370 cwt.
Quantity of train made—		
By ships	1,263	3,796 hgds.
By the inhabitants	2,533	
Number of stages	—	544
Number of inhabitants—		
Men	461	3,575
Women	166	
Children	250	
Servants	2,698	

French trade at Newfoundland.

We take leave also to add a short account of the state of the French trade in those parts. Their trade in furs upon Newfoundland is very inconsiderable, and the fishery is managed all by fishing ships, without making use of sack ships or by-boats, as the English do. Their plantations there do not increase, nor are they of any other use than for preserving the boats' craft and goods left by the merchants' ships for the succeeding voyage. They fish upon the banks in Placentia Bay, and upon the north-east coast of Newfoundland. Placentia is the only place of strength they have in the country, which is daily fortified and well furnished with ammunition and had new supplies this year, there being three companies of foot with thirty men in each company. They have the fish a month sooner in Placentia Bay; make their fish with greater despatch and leave the country much sooner than our people, and consequently may supply any market they please before us. They send yearly a considerable number of ships to fish upon the bank

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of Newfoundland, which arrive there about the 10th of June, and depart the latter end of August.

Trade in general. Several matters relating to the plantation trade being intermixed with the consideration of trade in general, we further humbly take leave to lay before your Lordships some heads of what we have done on that subject in the manner following :—

Woollen manufactures in America. Whereas one considerable advantage does and may accrue to England, by the consumption of our woollen manufactures in his Majesty's plantations in America; and we have observed that several of those plantations have applied themselves to the improvement of woollen manufactures in those parts for the supply of themselves and neighbours and to the hindrance of the exportation thereof from thence. We prepared a clause for the preventing thereof, which has accordingly been enacted : and we have since understood that the restraint thereby put upon them has, in the plantations under his Majesty's immediate government, had some good effect.

Trades of England and Ireland with respect to each other. His Majesty having required us to take into consideration the trade of England and Ireland, how they stood in relation to each other, and how they might be improved to the advantage of both nations, we did it accordingly; and further took that occasion humbly to represent, that the most proper means to divert the people of Ireland from applying themselves to the woollen manufactures, was by giving them such encouragement in the manufacture of linen as might engage them heartily in it. And likewise in obedience to your Lordships' Order of the 14th March 1698, we humbly laid before your Lordships a Report relating to the proportion of the charge, which the woollen manufacture in Ireland bears to the charge of the woollen manufacture in England; with such further notes in reference to that matter as your Lordships were then pleased to require from us.

Irish Bills. His Majesty having also been pleased to require our opinion upon some Bills transmitted from Ireland, we have in several representations thereupon endeavoured to suggest such considerations as might tend to induce that Parliament to the passing such Acts in reference to the woollen and linen manufacturers, as might be of mutual benefit to both Kingdoms.

Monsieur Crommelin's proposals. And his Majesty having likewise referred to our consideration some proposals made by Monsieur Crommelin, (a French refugee), long experienced in the linen manufacture, for the more effectual establishment and improvement of that manufacture in Ireland, we humbly offered our opinion in divers particulars for the encouragement of that undertaking, and his Majesty was pleased to give directions accordingly. From which manufacture thus established, we hope this Kingdom may be so well furnished with linens, as to afford a supply thereof to his Majesty's dominions in America.

Turkey and East India Companies interfering. The Turkey Company finding their Company much prejudiced by the East India Company seeking a vent in the northern parts of Persia for those draperies which by their Charter they are obliged annually to export; and his Majesty having referred that matter to our examination, we did in the month of January 1697–8, humbly report our opinion that it would be inconvenient that the

East India Company should send any greater quantities of draperies into Persia than they had done formerly, and that they ought, therefore, to vend the draperies they are obliged to export, either in India, China, Japan or elsewhere, at such distance from those places where the Turkey Company have usually traded, as may not cause any interfering between those two Companies.

East India Trade. And, for the better preventing other more general inconveniences apprehended from the East India trade, we did also, upon another occasion, humbly propose that the wearing or consumption of the manufactured goods of India, Persia or China, made of silk or herb or mixed with other of those materials, as also of painted or stained calicoes and of all handicraft wares imported from those parts should be discouraged and lessened in these Kingdoms and in his Majesty's plantations.

Muscovy Trade. Upon the Czar of Muscovy's coming into Holland, we represented the state of trade between Muscovy and England, and the advantage this Kingdom would receive by the importation of tobacco, one of our chief plantation commodities into that country, if permitted. Whereupon instructions were sent to his Majesty's Ambassadors at the Hague to treat with the Czar's ministers, which was done accordingly. And we afterwards represented the necessity of enlarging the Russia Company, as has since been done by Act of Parliament, in order to the better improving of that trade and the supply of the naval stores from thence, as well as from Denmark and Sweden.

Treaty of Ryswick. Upon occasion of the late Treaty of Peace at Ryswick, a particular account having been required from us, for the information of his Majesty's plenipotentiaries there, of what had been lost or gained in all his Majesty's colonies and plantations since the Treaty of Breda until that time, we accordingly prepared many particular accounts, not only of what had been lost or gained as aforesaid.

Differences between the French and English in America and Africa. But also of all pretensions and grounds of differences between the French and us with relation to each particular plantation, as also to Newfoundland, Hudson's Bay, the Royal African Company, &c.; which were accordingly transmitted.

Commissioners from France since the Peace. Since the conclusion of the Peace, we did also, by his Majesty's directions, draw up many memorials for the use of the Commissioners appointed by his Majesty to treat here with Commissioners from France upon all such of the foresaid matters as by the Treaty of Ryswick required any further settlement.

Algiers passes. The regulation of passes for ships trading to the Mediterranean and other southern parts with respect to the government of Algiers, being of great importance to the trade of his Majesty's subjects into those parts, we have, by his Majesty's directions, in several representations humbly offered our opinion thereupon, as also concerning a treaty with that government, and likewise with the Emperor of Morocco and relating to the English trade at Tunis.

Passes for ships trading in the way of the Algerines. And whereas the Lords Commissioners of the Admiralty did afterwards receive advice from his Majesty's Consul at Algiers, by his letter of the 13 April 1700, that the Dey of that place had given no longer time than till September following for all ships belonging to his Majesty's subjects to be provided with

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Admiralty passes, which had been discontinued during the late war; insisting upon the Treaty made with them the 10th of April 1682, and declaring that after that time such ships as should be met by their cruisers, not being furnished with passes in the form required, would be seized and carried up to Algiers, by which means the plantation ships, those from Newfoundland and others employed in long voyages, would have been in great danger. And his Majesty having thereupon required us to consider and settle the method of granting passes to the ships of his subjects trading in the way of the Algerines, we humbly reported to his Majesty the state of that matter, not only in relation to the forms of such passes, but more particularly to the places whither they should be sent; to the persons who might be entrusted with the distribution thereof, and to the directions and instructions to be given to such persons in the executing that trust. And we humbly proposed that the most pressing and effectual means might be used with the government of Algiers to enlarge the time that had been limited by that government. All which having been accordingly directed, passes were sent to the several persons appointed to distribute them, and the government of Algiers was prevailed with to prolong the time for one year more, viz., till the end of September 1701; by which means the navigation of his Majesty's subjects has been preserved from that danger.

Project of a treaty with the Emperor of Morocco.

Having been further required to consider and report our opinion upon the project of a treaty between his Majesty and the Emperor of Morocco, and more particularly whether a peace with that government would be for the benefit and advantage of the trade of this Kingdom; we did thereupon consult the merchants concerned in that trade, and, having represented our opinion that in the present circumstances of affairs, such a treaty might be advantageous, we also offered such alterations or observations upon that project as we conceived proper, more especially with relation to passes; observing thereupon, that the obliging English ships to produce passes to those rovers would be a means of furnishing them with pretences and cavils wherewith to colour their violences, we, therefore, humbly proposed that the article relating thereunto might at present be omitted; but, if they should in any future occasion insist upon it, that it might be used as an argument to obtain better terms from them upon any other dispute.

Treaty of Commerce with Sweden.

We have prepared the draft of a treaty of commerce with Sweden with such articles as we conceive proper, not only to preserve the trade and vent of our northern draperies in that country, but also to remove the many difficulties which his Majesty's subjects trading into those parts have of late years lain under.

And with France.

We did also, some while since, take the like care in the draft of a treaty of commerce with France, and prepared such memorials relating thereunto as might have been proper to be had in consideration, in case a negotiation of that nature had been set on foot.

French memorial about trade to Senegal and Gambia.

The French Ambassador having presented to his Majesty a memorial complaining of the Royal African Company's trading into the river Senegal and of their hindering the French from trading up the river Gambia; we thereupon heard the Company, and finding that they deny their trading up the river Senegal and assert their right to the sole trade up the river Gambia, we

represented the same to his Majesty for answer to the said Ambassador's memorial and offered that the trade along the coast ought to be kept free and common to both nations.

Ship seized by the French on the coast of Africa.

In further reference to that trade, a complaint having been made to his Majesty in Council of the seizure of a ship called the *William and Jane* by the French about port "Adally" on that coast of Africa, where she was trading with a licence from the Royal African Company according to the late Act of Parliament, we represented to his Majesty the Company's right and their constant trade on that coast, humbly proposing that his Majesty would be pleased to insist upon the restitution of the said ship and damages, and to give such further orders as should be thought fit to prevent the like violences for the future.

Vessel seized by pirates at Madagascar.

A vessel called the *Beckford*, galley, belonging to English owners, having been seized at Madagascar by pirates in conjunction of the said ship's company, we did, at the owners' desire, represent the case to his Majesty; and letters prepared by us for his Majesty's royal signature were thereupon despatched to the Governors of the plantations for securing the said ship and men and proceeding against them according to law. And, upon all other applications made to us from merchants and others concerned in trade, we have constantly represented their cases to his Majesty, or given them such other assistance as the nature of their business has required.

Suppression of piracy.

Upon the passing of the late Act for the more effectual suppression of piracy, wherein it is provided that Commissions be passed, either under the Great Seal of England or under the Seal of the Admiralty for the trial of pirates in the methods directed by the said Act, we did immediately represent to his Majesty the necessity that those Commissions should be despatched; and, his Majesty having thereupon directed them to be passed under the Great Seal, we further humbly offered our opinion upon the form which had been prepared by Mr. Attorney and Mr. Solicitor-General, and, having consulted both the Old and New East India Companies, we settled with each of them to what persons and places those Commissions might be fitly directed in those parts. And soon after, we also laid before his Majesty a list of the persons and places to which the like Commissions might be directed in his Majesty's plantations in America. All which having accordingly been done and the said Commissions being passed and sent, we prepared letters for his Majesty's royal signature to the respective Governors of those plantations for sending hither all accessories in cases of piracy who, by the said Act, are not to be tried beyond the seas. And, having been further required by his Majesty to consider the draft of a proclamation which had been prepared for encouraging the apprehending and convicting of pirates in reference to the time fit to be allowed them to come in and make affidavit as thereby directed, we humbly offered divers considerations relating to pirates; upon which his Majesty was pleased to issue his proclamation of the 6th of March 1700–1. We have since received letters from the Governors of his Majesty plantations, assuring us of their care and diligence in putting the said Act in execution, and his Majesty having been further pleased upon our Report to direct that duplicates of the said Commissions should be sent to each of the plantations by George Larkin, Esq., (nominated a Commissioner in each of them), that he, being a person well versed in the Civil Law and proceedings of the Court of Admiralty, might instruct other Commissioners in the most

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proper methods, and accordingly settle the forms for the holding of those Courts. We prepared instructions for the said Larkin, whereby he was ordered to repair to Newfoundland, from thence to Massachusetts Bay, New York, Maryland, Virginia, Jamaica, the Leeward Islands, Barbados and Bermuda. In each of which plantations he is directed to deliver the said duplicates to the respective Governors and proper officers of those places, who were to give notice thereof to the Propriety and Charter Governments, comprehended within each of their respective districts. And we have accordingly been informed by the said Larkin from St. John's in Newfoundland that he had settled the forms of trials of pirates there, and left such directions in the hands of the proper officer that there could not well be any error in their proceedings against such pirates as may be taken in those parts. He has done the same at Boston, in the Massachusett's Colony, one of the Charter Governments. But illegal trade and piracy having found so general encouragement there, he is doubtful whether the Act will be duly complied with in its execution. From thence he was proceeding in his further course. And we shall, upon all occasions, continue do what in us lies, for the suppression of pirates, by our correspondence with the Governors of all his Majesty's plantations, as occasion shall require.

Poor. We have constantly had in eye that article in our Commission which relates to the poor, and the properest methods of making them useful and not burdensome to the public; and, having in a former Parliament made divers proposals how we conceived that work might be best effected and prepared an abstract of all the laws on that subject now in force, together with a draft of a Bill whereby those laws might be reduced into one, and laid the same before a Committee of the Honourable House of Commons, we do not find that we can at present make any further progress therein.

Lustring Company. For encouragement of the Royal Lustring Company and the establishment of that manufacture here, we have made several representations of what we conceived necessary to be done, divers of which things have since been enacted.

Rate of guineas. In obedience to an Order of their Excellencies, the Lords Justices, relating to the rate of guineas, which were then at 22 shillings, and to the difference of value between gold and silver, we made a Report upon that subject, grounded on exact computations of the proportion of value between gold and silver in other parts, and setting forth the prejudice that accrued to us by the over value of gold here, which we presume was of use towards the reduction of guineas to 21*s.* 6*d.* as they have since continued.

Determining differences by arbitration. To prevent delays in determining differences about matters of trade, we prepared a Bill for determining such differences by arbitration, which has since passed into a law.

Leghorn merchants. Upon the application of the merchants of this city trading to Leghorn, we represented to his Majesty the grievances and further apprehensions which they or their correspondents there did lie under, by the imposition of taxes and other infringements of the ancient immunities and privileges granted to them by the Great Dukes of Tuscany, and accordingly enjoyed, and, having thereupon proposed what might most contribute to their ease and security and to the advantage of England in that trade, we have been informed by Sir Lambert Blackwell, his Majesty's

Envoy Extraordinary in that Court, that upon our Report, such directions were given that the grievances complained of were removed and the following advantages procured, viz.: A liberty that all English ships from his Majesty's dominions with net patents should be admitted to immediate pratique in the ports of Tuscany, which had not been allowed for about 40 years before. A liberty that all woollen goods from his Majesty's dominions might be carried immediately from on shipboard to the merchants' warehouses, without making a quarantine of 15 days, as had been practised for above 40 years to the great damage of their goods and prejudice to the merchants. The Great Duke has taken off a duty of 2 per cent., which for 40 years past had been paid on all woollen goods from his Majesty's dominions, as likewise a duty of a half per cent., which was laid on the personal estates of all the English merchants at Leghorn. Whereas it has been a long custom to make all goods entered in or out of Leghorn to pay porterage, whether landed or not, the Great Duke has now ordered that no such duty should be required, but upon goods actually landed.

Trade between England and Venice. { Memorials from Mr. Broughton, his Majesty's Consul at Venice, relating to the trade of fish and currants between England and the Venetian dominions, having by his Majesty's order been referred to our consideration, we consulted the merchants trading into these parts, and reported what we found to be the state of trade, not only with relation to those two commodities, but to the whole trade between England and the Venetian dominions in general; and we further set forth the inconveniences and hardships which we had been informed the English merchants trading into these parts do lie under.

Portugal merchants' complaints. { Differences having risen between the English merchants residing at Lisbon and the Judge Conservator of the English Nation there; and the merchants of London trading to Portugal having thereupon applied to his Majesty that he would please to interpose with the King of Portugal for the removal of the said Conservator, we gave his Majesty the necessary informations in that matter, and humbly proposed what we judged most for the ease of the merchants and the advantage of that trade. In relation to the general state of this Kingdom, we humbly laid before his Majesty, in December 1697, a representation setting forth the advantages and inconveniences arising, as we conceived, by the several branches thereof, together with the remedies which appear unto us to be proper for those inconveniences under each respective head.

Trade in general. { Particularly we did then, and at other times since, humbly report that by the enquiries we had made, it appeared that we had imported goods from some countries to a much greater value than what we had exported and instanced that we were overbalanced in our trade with Sweden and the Baltic about 200,000*l.* per annum. In our trade to Denmark and Norway about 150,000*l.* per annum. That by the entries in the Custom House books, it appeared that we had for several years exported to the East Indies above 400,000*l.* per annum in bullion, besides what was carried out privately or shipped from Spain; and that for some years before the late war we had been over-balanced in the French trade about one million per annum. Whereupon we also added our observations that such trades had occasioned the exportation and decrease of our silver coin. And hereupon we humbly crave leave to add, that by the enquiries we have since made, we are confirmed in the same

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opinions, but more particularly by the abstracts of our exports and imports, which we find to be as follows:—

From Christmas 1697 to Michaelmas 1698.

	Pounds Sterling.		Pounds Sterling.
Exported—		Imported—	
To Sweden - -	52,379	From Sweden - -	219,492
To Denmark and Norway - -	37,232	From Denmark and Norway -	90,957
To the Baltic or the East Country -	150,018	From the Baltic or the East Country -	197,476
	239,629		507,925

From Christmas 1698 to Christmas 1699.

	Pounds Sterling.		Pounds Sterling.
Exported—		Imported—	
To Sweden - -	57,587	From Sweden - -	245,802
To Denmark and Norway - -	38,078	From Denmark and Norway - -	86,744
To the Baltic or the East Country -	165,731	From the Baltic or the East Country -	224,546
	261,396		557,092
To East India—		From East India—	
In goods - -	155,235	In goods - -	717,695

	Pounds sterling.
In silver at 5*s.* per ounce - -	841,881
In gold at 4*l.* per ounce - -	29,228
	871,109

To which abstracts must be added the freight or carriage of most of the goods that come from Sweden, Denmark, Norway and the Baltic, because it is paid to the natives of those countries or to other foreigners, which upon some commodities amounts to near as much as the first cost of the goods and will make those overbalances to be greater than we have expressed them. By the said abstracts we also find that, since our fore-mentioned calculations, the exportation of bullion for India has much increased upon us, which has occasioned a greater consumption of silver; and our increasing expense in the consumption of some foreign commodities at home has hindered the importation of it; one instance whereof may be in wines, which between Christmas 1698 and Christmas 1699 amounted to 21,568 tuns; and those coming most from Spain and Portugal, it is evident that the importation of bullion from those parts was thereby much lessened. Upon occasion of these observations, we also further represented that the great variations and changes which have happened in trade since the year 1660 did require that a new Book of Rates should be made, as the most effectual means to remove many difficulties which our particular trades lie under by reason of alterations in the prices of most commodities since that time; many of those commodities being charged too high and others too low with respect to their present value. On occasions whereof, our neighbour nations have taken great

advantages on several branches of our trade. We have also suffered much by the importation of many manufactured goods and handicraft wares, which hinder the consumption of our own, and fair traders are likewise discouraged by the corruptions which have grown up in the management of the re-exports, debentures and drawbacks. All which inconveniences cannot have a more proper and general remedy than by making a new Book of Rates and by such proposals as may be made by the Commissioners, Inspectors and other Officers of his Majesty's Customs consulting with merchants and taking such a comprehensive view of the whole trade of this Kingdom as will be necessary in order to compose such a book. Upon the whole, finding that those foreign trades in which we suffer by the over-balance on their side cannot be remedied but by help of the legislative power, we have thought it our duty to lay before your Lordships these remarks, viz., that by the vast quantity of silver annually exported; by the great price given for silver uncoined, more than its value in coin; by the small quantities of foreign silver which have been brought to the Mint to be coined for 12 years last past; by the general use that is made of gold coin in all parts of the Kingdom for the payment of debts, &c., (besides the present apprehensions of an interruption in the Plate trade from the Spanish Indies), it is too obvious that our silver coin has been much diminished by these trades and we are in danger to receive daily further prejudice thereby.

As to the security of his Majesty's plantations.

State of defence of the plantations. We did on the 10th and 25th of January 1700–1, humbly lay before his Majesty the state of the several forts and fortifications in his Majesty's colonies and plantations in America, and of other particulars necessary for the defence of the same, and thereupon, for his Majesty's further information did, by his Majesty's command, write to the several Governors directing them to despatch to us, with all diligence, perfect accounts of the state of defence of the plantations under their respective governments and of the stores and materials of war there wanting; that we might report to his Majesty what might be required from the several plantations and what might be fit for his Majesty to do for their defence; and, having thereupon received answers from several Governors and further considered the condition of these parts with relation to the present conjuncture, we have lately represented the same to his Majesty, and we do humbly lay before your Lordships,

Newfoundland. That Newfoundland is of great importance to this Kingdom, by reason of its trade and fishery. That the place of chief strength in it is St. John's harbour, which is now fortifying by his Majesty's order; the garrison there, by the establishment, consisting of 80 private soldiers besides officers. That we have been informed from Captain Richards, the engineer, that great quantities of materials were wanted from hence for finishing the forts, and that he had engaged several masters of ships to bring each of them such proportions in ballast at their next return thither as conveniently they might, of which we have given notice to the Office of his Majesty's Ordnance, and are transacting with the merchants and owners of ships what in us lies, for the furtherance of this service.

Continent. That on the Continent his Majesty has a dominion of a very large extent, which at present requires a more especial care. That as to the most northern parts, Col. Romer, the engineer, sent thither by his Majesty, having

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surveyed all the coast from St. George's river to Boston and sent us drafts of the principal bays and harbours, with the condition of several places on that coast which are thought necessary to be fortified, we thereupon offer the following account, viz.:

Pemaquid. That about 5 leagues to the westward of St. George's lies Pemaquid, a spacious river and of great consequence, as covering three other rivers, at the entrance of which river, within two leagues of the main sea, formerly stood a fort, which in the late war, at the approach of two French men-of-war with 100 soldiers and 500 Indians, was surrendered by a garrison appointed by the people of New England and demolished by the said French and Indians. That, for the security of this port and harbour and of all that country and to encourage the people to settle there as formerly, Col. Romer advises that a good fort be built in the same place, or thereabouts. And, for its better defence in case of an attack from the sea, that a battery be raised at the next point of land and a redoubt or round tower on John's Island.

Piscataway is a river of great importance to trade and the security of the country, being the boundary between the province of Main and New Hampshire; and that on Great Island, so called, at the mouth of this river, is a fort of 30 guns on New Hampshire side, but incapable of defending the river. The place where the said fort stands being very proper for building a new fort, such as the growing trade of that place and country requires, Col. Romer has sent a design thereof, and adds, that a strong tower on the point of Fryer's Island, a battery on Wood Island and another battery on Clarke Island would be very necessary.

Massachusetts Bay. That the Massachusetts Bay has in it many islands, the chiefest whereof is Castle Island, not far from Boston, upon which is a fort for securing the passages and channels of the bay. That by a memorial and two addresses presented to his Majesty from the Council and Assembly of that province, they represent their unwillingness to comply with what has been required from them for their own defence and towards the building of forts in the neighbouring province of New Hampshire, as well as with the quota of 350 men, directed to be furnished by them in case of necessity for the security of the frontiers of New York, alleging for excuse the charge they have been at in building a small fortification at Casco Bay, 50 miles to the eastward, and their being now actually at work in raising fortifications on Castle Island in the harbour of Boston, which they esteem to be the place of the greatest consequence, and representing withal that the fort at Pemaquid which they were required to build would be useless to them as well as too chargeable, which place nevertheless being within their territories is generally esteemed of great security to those eastern parts bordering upon the French. They further humbly signify their desire that his Majesty would be graciously pleased to assist them with cannon, small arms and other stores of war for the fortifications there, as also that some ships of war of greater force than those at present in that station may be sent for the better guarding and securing of the coast in case of war. To which Col. Romer adds, that the people there are unfit for any military service and stand in great need of a good commander with other subordinate officers and 150 men for the defence of the new fortifications. That they want 50 cannon of 24 lb. to 18 lb. ball, 2 mortars, granadoes and bullets in a reasonable proportion, 4,000 hand granadoes with their fuzes, 600 firearms, 400 heads for half-pikes, 2 master-gunners and 1 bombadier. The said Col. Romer informs us that 4 French ships were lately arrived in Accadie [Acadia] with a new

Governor and 600 men, which gave great apprehensions to his Majesty's subjects in the Massachusett's Bay. Whereupon we have humbly represented that his Majesty would be pleased to send thither some cannon and such a quantity of the small arms demanded as his Majesty should think fit; as also to constitute and immediately send thither a Governor and Lieutenant-Governor, fit and proper to assert his Majesty's authority in those parts, and also well qualified to compose the factions that have divided the inhabitants thereof. And that such Governor or Lieutenant-Governor should strictly admonish and require the inhabitants to exert themselves, as well in fortifying those parts, as in providing what may be necessary in all respects for their further defence.

Connecticut. That, Connecticut being likewise a frontier province to the French and the inhabitants thereof having been negligent of their own security, we humbly offered that his Majesty would be pleased to direct them to make due preparations against an attack and to be ready to assist their neighbours of New York and New England.

New York. That in the province of New York, which is esteemed as the centre of his Majesty's plantations on the Continent, there is a fort for the security of that city and harbour, which is in a tolerable good condition. From thence 140 miles up Hudson's river is the town and fort of Albany, and about 20 miles further on another river lies Schenectady, both which are of great consequence towards the security of those parts, and do therefore require an assistance of money to be sent thither for the necessary repairs and adding what further works may be wanting.

Onondage. In the Onondage country, a fort was proposed by the late Earl of Belmont towards the securing the five nations of Indians in their allegiance to his Majesty, for which provision is already made by his Majesty's gift of 500*l.* and a contribution of 1,500*l.* by the Assembly of New York; though upon the more pressing necessity of repairing the forts at Albany and Schenectady we have given our advice that some part of the said 1,500*l.* should be made use of towards that service. And whereas this province has been at great charge for its own defence during the late war and is unable to sustain the continuance of such a charge without some help, his Majesty has been pleased further to assist them upon several occasions with stores of war, and lately, upon the sending of the Lord Cornbury thither, with a considerable quantity of ammunition. But as for the contributions which we did propose to his Majesty as fit to be made by other plantations on that Continent and in order to which his Majesty has been pleased to send letters to the respective Governors and Proprietors, the said plantations have generally declined it, without giving any sufficient reasons for the same, and, in consideration thereof, we have again humbly offered that his Majesty's orders be renewed to those plantations in the most pressing terms that they do comply with his directions therein, as a matter of common benefit and security.

East and West New Jersey. The province of East and West New Jersey are without any forts or places of defence, and being proprieties where no regular government has ever been established, the great disorders amongst them have now inclined the Proprietors to make application to his Majesty to accept of a surrender of their pretended right to government and to put them under a Governor appointed by his Majesty's immediate Commission, which matter is now transacting, and a form of

1701–1702. a surrender returned from his Majesty's Attorney-General, which the said Proprietors are to execute.

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Pennsylvania. The province of Pennsylvania is likewise without fortifications and in no state of defence, nor has any progress been made therein by the Proprietor, notwithstanding our instance to him on that subject, by order of the Lords Justices.

Maryland and Virginia. His Majesty's provinces of Maryland and Virginia being large territories and lying open by great rivers, cannot so well be secured by fortifications, but in both these provinces there is a well regulated militia and places of rendezvous appointed for any occasion. But we understand that at present they are in want of a supply of small arms and ammunition.

Carolina. The provinces of North and South Carolina are under Proprietors, who do not take due care to put that country into a state of defence, notwithstanding their being so exposed by the neighbourhood of the Spaniards. We, therefore, have judged it necessary to the public service that the said Proprietors be quickened by an immediate order from his Majesty to perform their duty herein, until some further provision be made.

Bahama Islands. The Bahama Islands lying before the Gulf of Florida and in the way of all ships that come from the Havana and the Bay of Mexico, it is of great consequence to his Majesty's service that they be preserved from an enemy. They belong to Proprietors who ought to take care of them; but we have not been able to dispose those Proprietors to such compliance as was proper for his Majesty's service herein. The Governor has lately desired some force to keep the fort there, (built for 32 guns), which, being of immediate concern to the Proprietors, it is necessary that they be obliged to take some speedy care therein.

Bermudas. In the Bermuda Islands there are five little castles, three of which lying at the entrance of the easiest passages to those islands, are most considerable, where many of the platforms being decayed, the guns unserviceable and stores and ammunition wanting, a supply of such stores has, upon our representation to his Majesty, been lately sent. Captain Bennett, his Majesty's Commander-in-Chief in those islands, has prevailed with the Assembly to pass an Act for repairing their forts and platforms, and has caused trenches to be cast up in all places where an enemy may most probably attempt to land; so that we hope thereby and by the company of foot, which his Majesty has likewise sent thither, that government is now in a good state of defence.

Jamaica. As to Jamaica, we laid before his Majesty in our Report of the 25th of January, 1700–1, the importance of that Island, with drafts and plans of the necessary fortifications, and several considerations and proposals relating to the defence of each part thereof; and his Majesty has since been pleased to commission Brigadier Selwyn to be chief Governor there, upon which occasion his Majesty sent thither two regiments of foot, with stores and ammunition for the defence of the said Island; and, upon the arrival of Brigadier Selwyn there, we expect to hear from him what reinforcement of men and other materials and requisites of war will be further wanting for the security of that Island, and putting it into a posture of offending an enemy from thence, this Island, lying as it were in the centre of the Spanish West Indies and of the French settlements, Sir William Beeston, his Majesty's late Governor of that place, gave us not long

since an account that he had then no news of his Majesty's Squadron under the command of Vice-Admiral Benbow, but that he was credibly informed that about the 20th of September last, 26 sail were seen to windward of Martinico and the people of Jamaica supposed them to be French, which had engaged him to the putting the Island into as good a posture of defence as he could. That he had finished several small works near Port Royal and caused the bays, where most probably an enemy may land, to be entrenched. He had further, by the resolutions of a Council of War, fortified the town of St. Jago with a good trench, regular works and bastions, having 500 negroes daily on those works at the expense of the Island.

St. Christopher's. As to the Leeward Islands, at St. Christopher's there is a fort called Cleverly Point fort, where 20 guns are mounted; Brimstone Hill fort, where there are 12 guns and a small platform which has 6 guns, there being also 30 pieces of cannon brought out of the French part of this Island during the late war. Col. Codrington has given directions for the mounting and placing them with all speed, which being done, he conceives that there is not occasion at present for more artillery there, nor does he specify any further want of materials relating to the defence of that Island, but represents the danger of it to be greater than any other, by reason of the French being possessed of one half and the fate of it likely to be decided upon the breaking out of a war, as has formerly happened.

Antego [Antigua]. At Antego are several little forts and platforms. The Governor proposes the sending of 20 long sakers, which may serve as well against the Indians as any other enemy; as likewise the building a small fort at Parham, for which he desires 12 guns. He would also make a new platform in another place where privateers in time of war and unlawful traders in time of peace are very busy. He further adds the great want of small arms in this Island.

Nevis. At Nevis Col. Codrington represents the want of new carriages for the guns, and desires further 4 long sakers, 6 guns, 12 pounders, and 6 18 pounders, with sufficient quantity of shot for them, and 500 saker shot for the guns already in the fort and platforms, together with 20 barrels of cannon powder, his Majesty having been lately pleased to order 600 fire-locks to be sent to this Island for as many match-locks returned from thence.

Montserrat. As to Montserrat, the Governor represents the Island as able to defend itself, but fears a danger from within by an insurrection, as happened upon breaking out of the last war, most of the inhabitants of that place being Papists His Majesty has in these Islands a regiment of foot lately sent from Ireland, which wants to be strengthened, being of the lowest complement.

Barbados. The island of Barbados to the windward is naturally fortified by rocks, and for defence of the leeward side, which is most exposed to an enemy, there is now a trench of 7 feet broad and 5 feet deep all along the coast and behind that a breastwork of loose sand about 6 feet high and 3 feet broad at the top. There are also on that side several redoubts, and at Bridgetown two forts, one at the entrance of the Road and the other within, which are the defence of that town and Road. We have received from Lord Grey, since his arrival, a memorial of what may be necessary for the defence of

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this Island, that upon a strict survey of the state of the fortifications, made by himself and commissioners appointed for that purpose, he found in 29 forts and batteries 308 guns of several sorts, viz., 2 demi-cannons, 75 culverins, 108 demi-culverins, 101 sakers and 22 minions, several of which were unserviceable. That most of the forts and batteries were out of repair, his Lordship offering his opinion, upon consultation with the most experienced inhabitants of the Island, that there be sent thither at least 100 great guns of 12 feet long, together with a suitable proportion of shot and all other ordnance stores needful for them; he further says that there is a want of small arms and shot. Upon which occasion we humbly take leave to observe, that the inhabitants of this Island have at all times built their own forts, and kept them in repair at their own expense and have furnished themselves, for the most part, with small arms. But at present they complain of their being deprived of the revenue of the 4½ per cent. raised within that Island for their fortifications and other public uses; and of their being weakened by the great expense they were at in assisting the Leeward Islands during the late war, for which they desire a compensation. But as to such a number of great guns as may be proper with a due proportion of shot and ammunition as by them desired, we humbly conceive they must be sent from England.

Hudson's Bay.

The Company of Merchants trading to Hudson's Bay, having a factory in those parts, represent that they can no way be safe, unless some care be taken by his Majesty of their security, which they have particularised to us. Which demands, made by the several colonies and plantations before mentioned, we conceive to be chiefly in view of a present defence. But in case of a war, we are humbly of opinion that a greater quantity of stores and materials of war will be wanting and that, in the principal and most considerable of those plantations, it will be necessary that there may be magazines of

Magazines of ordnance stores.

ordnance stores of all kinds, as well for the defence of each respective place and of the colonies adjoining, as for annoying the enemy, who will be very watchful and active in this conjuncture, to take advantage against any of his Majesty's plantations, which are of so great importance to the trade and welfare of England.

Naval stores and credit for ships of war.

We are also humbly of opinion that there be a like provision there of naval stores and credit for his Majesty's ships of war, which have often lain very long useless in harbour in those parts, by reason of their want of necessaries for refitting, which has been of great prejudice to his Majesty's service, the safety of his Majesty's dominions in America depending chiefly on the naval force to be sent thither at proper seasons, which may secure that trade and encourage the planters, who will otherwise be apt to desert their settlements.

Propriety governments.

And, as it appears by what we have before represented, that the Propriety colonies are in a state wholly defenceless, not having provided themselves with arms and ammunition, many of them not having a regular militia and some of them being no otherwise at present than in a state of anarchy and confusion; that they and the Charter governments have not complied with what has been demanded of them in reference to trade; that they have not a regular administration of justice, but continue to be the refuge and retreat of pirates and illegal traders, and the receptacle of goods imported

thither from foreign parts contrary to law, in return of which commodities those of the growth of these colonies are likewise contrary to law exported to foreign parts: that divers of them have refused Appeals to his Majesty in Council, by which not only the inhabitants of those colonies, but others his Majesty's subjects are deprived of that benefit enjoyed in the plantations under his Majesty's immediate government, and the parties aggrieved are left without remedy from the arbitrary and illegal proceedings of their Courts; that they have not conformed themselves to the Acts of Parliament for regulating trade and navigation, to which they ought to pay the same obedience and submit to the same restrictions as the other plantations which are subject to his Majesty's immediate government, but, on the contrary, in most of these Propriety and Charter governments the Governors have not applied themselves to his Majesty for his approbation, nor have they taken the oaths required by the Acts of Trade, both which qualifications are made necessary by the late Act for preventing frauds and regulating abuses in the plantation trade; that they have made laws contrary and repugnant to the laws of England, and directly prejudicial to trade; that by raising and lowering their coin to their particular advantage and to the prejudice of other colonies; by exempting their inhabitants from duties and customs to which the other colonies are subject; by harbouring servants and fugitives and thereby encouraging the desertion of his Majesty's standing forces in those parts, these governments tend greatly to the undermining the trade of the other plantations, and, by such diminution of hands, the rest of the colonies more beneficial to England do very much suffer. That these independent colonies do turn the course of trade to the promoting and propagating woollen manufactures proper to England, instead of applying their endeavours to the production of such commodities as are fit to be encouraged in those parts, and that in general they have no ways answered the chief design for which such large tracts of land and such privileges and immunities were granted by the Crown. To redress these and divers other great abuses in those colonies, and to introduce such an administration of government as might be duly subservient and useful to England, a Bill was offered to your Lordships during the last Session of Parliament, for re-uniting those governments to the Crown. And, in consideration that the cautions given them herein have not met with compliance, (several Governors and Lieutenant-Governors, not qualified according to the late Act of Parliament, having been appointed by those Proprietors, even since the last Session of Parliament), we cannot but continue in the same opinion that it may be very expedient for the ends abovementioned, and particularly for the mutual defence of the plantations and the turning their trade to the benefit and advantage of England, that the Charters of the several Proprietors and others entitling them to a right of government be by the legislative power of this Kingdom re-assumed to the Crown, and that these colonies be put into the same state of dependency as other his Majesty's plantations, without prejudice to any man's property or freehold. All which is most humbly submitted.

STAMFORD.
LEXINGTON.
PH. MEADOWS.
WM. BLATHWAYT.
JOHN POLLEXFEN.
MAT. PRIOR.

Whitehall, Feb. 16th $170\frac{1}{2}$.

1701–1702. — No. 1718. [Delivered this day, in answer to an Order of the House of 5 Feb., which was occasioned by a passage in the King's Speech. L. J., XVII. 6, 27, 36. Nothing appears to have been done on this Report at this time, but on 23 Nov. 1702 it was referred to the Select Committee appointed to consider the Commissioners' Report delivered on 20 Nov. 1702. L. J., XVII. 171.]

1719. Feb. 16. Test Roll (25 Car. II. c. 2).—*Roll to contain the signatures of Lords to the Declaration in the Act of 1672 for preventing dangers which may happen from Popish Recusants. *Parchment Collection.*

1720. Feb. 16. Association Roll (7 and 8 Will. III. c. 27).—*Roll to contain signatures of Lords subscribing to the Association set out in the Act of 1695–6 for the better security of his Majesty's royal person and government. *Parchment Collection.*

1721. Feb. 17. Rose's Estate Act.—Amended Draft of an Act for confirming the title of Thomas Rose, Gentleman, to lands called Rempstone, and for sale of lands called Carrant's Court, in the county of Dorset, for payment of the debts of William Rose, Gent., and for settling the manor of Cheddar *Fitzwalters*,† in the county of Somerset, with the overplus on the said sale on Mary Rose, an infant, daughter of the said William, in lieu of 3,000*l.* portion for the said infant. The amendments made by the Lords were merely of a drafting nature. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 38, 87. 1 Anne c. 21 in Long Cal. *See* Com. Book March 8, 10.]

Annexed:—

(*a*) 16 Feb. Petition of Thomas Rose, Gent., and Mary Rose, widow and relict of William Rose, Gent., deceased, on behalf of themselves and Mary Rose, her daughter, an infant. William Rose, Petitioner Mary's husband, conveyed the farms of Rempstone, Carrant's Court and a tenement in Froghole, Dorsetshire, to trustees, for the purpose, among other things, of raising a portion of 3,000*l.* for his daughter or daughters, if he had no issue male. Petitioner Mary was seised of a moiety of the manor of Cheddar, which she conveyed to trustees, to her use until marriage, then to herself and her husband, and then to raise 500*l* for younger children. William sold Rempstone to his brother the Petitioner Thomas, whose title is defective, as the term for raising the portion of 3,000*l.* for William's only child, the infant Mary, is not barred by the fine and recovery. William had purchased the other moiety of Cheddar, and Petitioner Mary is willing, if the title of Thomas to Rempstone be confirmed, that Carrant's Court be sold for payment of debt, and Cheddar preserved entire, for the whole manor, with the overplus on the sale of Carrant's Court, which is of far greater value than the 3,000*l.*, to be settled on her daughter. Petitioner Thomas is thereupon also willing to be barred of his expectancy in remainder as heir to his brother and neice. Pray leave for a Bill to be brought in to give effect to this arrangement. *Signed* Thomas

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* The Roll contains the names of 8 Peers, viz., E. Carlisle, L. North and Grey, E. Huntingdon, L. Berkeley, L. Mohun, D. Somerset, L. Ferrers, E. Bradford.

† Added by the Lords' Select Committee.

Rose, Mary Rose. *Endorsed* as read this day. L. J., XVII. 36.

(*b*) $\frac{8}{10}$ March. Paper of amendments made in the Select Committee. Com. Book.

1722. Feb. 17. E. Thomond's Estate Act.—Amended Draft of an Act to enable the *Right Honble.** Lady Henrietta O'Brien, mother and guardian of *the Right Honble.** Henry, Earl of Thomond, an infant, to make leases of his estate in Ireland for the discharging of incumbrances thereon and of a charge of 4,000*l.* for his sister's portion. The amendments, made by the Lords, were to add in the preamble the words describing the settlement of 25 April 1664 and those specifying the charge of 12,000*l.* therein for portions to Lord Henry O'Brien's two daughters, and that of 8,000*l.* to the two daughters of Henry, Earl of Thomond; also to leave out words referring to these two charges in more general terms and to insert the names of the persons whose consent to the leases was required. They also added the words, with interest for the same according to the said settlements, in the proviso for the case of incumbrancers refusing to be paid off, and three clauses (*see* Annexes (*c*), (*d*) and (*e*)) before the last general saving clause. The other amendments were of a drafting nature. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 37, 87. 1 Anne c. 14 in Long Cal. *See* Com. Book March 10, 11.]

Annexed:—

(*a*) 9 Feb. Petition of the Lady Henrietta O'Brien, mother and guardian of Henry, Earl of Thomond, an infant, for and on behalf of her said son. The Earl's estate in Ireland is much encumbered by jointures, portions, &c., and much wasted and destroyed by the late wars there; and he has no means of raising money to clear it but by making leases, which he cannot do, being under age. Prays leave to bring in a Bill enabling her, or him, in case of her death, to make leases during his minority, in order to clear the estate and secure a portion of 4,000*l.* to Lady Mary O'Brien, her daughter, according to the Will of Henry, late E. Thomond. *Signed* Henrietta O'Brien. L. J., XVII. 30.

(*b*) $\frac{10}{11}$ March. Paper of amendments made in Select Committee on these days. Com. Book. [On 10 March several amendments prepared by the Prosecutors were offered in a paper and agreed to be put in the proper places. Com. Book.]

(*c*) 11 March. Draft of Clause, marked +, providing that security should be taken by the Court of Chancery from the collectors of money under this Act. [Added to the Bill this day by the Select Committee. It had been ordered on 10 March to be drawn by Mr. Brocket. Com. Book.]

(*d*) 11 March. Draft, marked A, of the saving clause for Lady Katherine O'Brien. [Added to the Bill this day by the Select Committee. Com. Book.]

(*e*) 11 March. Draft, marked B, of the clause providing for the execution of the Act in case of Lady Henrietta O'Brien's death. [Added to the Bill this day by the Select Committee. Com. Book.]

* Added by the Select Committee.

1701-1702. — No. 1723.

1723. Feb. 17. Meredith's Estate Act.—Amended Draft of an Act for enabling Sir William Meredith, Bart, to sell part of a capital messuage [and other things] *lands and hereditaments hereinafter mentioned** in Ashley, in the county of Chester, he having settled other lands and tenements in lieu thereof. The amendments, made by the Lords, besides some of a drafting nature, were to add the names of the trustees, and the clause, marked A, (Annex (*d*)). The Commons made some drafting amendments. C. J., XIII. 820. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 37, 87. 1 Anne c. 16 in Long Cal. On 6 March, in the Select Committee, Alexander Seaman swore that the estate to be sold was worth 101*l.* 5*s.* a year, and that to be settled in lieu thereof 212*l.* 17*s.* 4*d.* a year. Com. Book.]

Annexed :—

(*a*) 12 Feb. Petition of Sir William Meredith, Bart., on behalf of himself and of Amos Meredith, his only son, and five daughters, all infants. Part of a capital messuage and other lands and hereditaments in Ashley, Cheshire, were, on his marriage, settled on him for life, without impeachment of waste, and afterwards for the benefit of the infants. He has contracted with Thomas Ashton, Esq., for the sale of the premises, and has already settled, in lieu thereof, lands in Henbury, in the same county, of equal or greater value, if the sale take effect. Prays leave for a Bill to be brought in for this exchange, which cannot otherwise be effected, owing to the minority of the infants, though to their advantage. *Signed* Wm. Meredith. *Endorsed* as read this day. L. J., XVII. 34.

(*b*) 6 March. Consent of Richard Legh subscribed to a copy of the Bill. *Dated* 16 Feb. [Produced this day before the Select Committee and proved by Josiah Torkington and George Meredith. Com. Book.]

(*c*) $\frac{6}{7}$ March. Paper of amendments made in the Select Committee on these days. Com. Book.

(*d*) 7 March. Amended Draft, marked A, of the clause for settling the substituted property. The amendment is to leave out the words, and that the said Sir Wm. Meredith shall have no more power to encumber the lands in Henbury settled by this Act, in lieu of his lands in Ashley, than he had to encumber and charge the lands in Ashley by virtue of this Act now to be sold, which appear at the end of the clause in another hand. [On 6 March the Prosecutors were ordered to draw this clause. It was offered this day by Sir William Meredith and added to the Bill after amendment. Com. Book.]

1724. Feb. 17. Marston's Charities Act.—Amended Draft of an Act for confirming and settling of diverse charities given by the last Will of Job Marston, Gent. The amendments, made by the Lords, besides those of a merely clerical nature, were to insert the name of Marston's Chapel, to limit the sum for repairs to 1,000*l.*, to substitute the words, one month, for the word, forthwith, for the election of a new trustee, to add words as to the custody of the book in which the names of trustees were to be entered, and to add clauses, marked A and B, (Annexes (*c*) and (*d*)). The amendments, made by the Commons, were merely of a clerical and drafting nature. C. J., XIII. 824. [Read 1ª this day. Royal

* Substituted by the Select Committee for the words in square brackets.

Assent 6 May 1702. L. J., XVII. 37, 118. 1 Anne c. 39 in Long Cal. *See* Com. Book Feb. 23, 25.] 1701–1702. — No. 1724.

Annexed:—

(*a*) 17 Feb. Petition of Joshua Avenant, Humphry Powell and John Brierley, executors of the last Will and Testament of Job Marston, deceased. Job Marston, late of Hall-Green, in the parish of Yardley, Worcestershire, Gent., deceased, left several legacies to charitable and pious purposes, and made Petitioners his executors. They are advised that it will be for the public good to have the legacies confirmed by Act of Parliament, and pray leave to bring in a Bill for that purpose. *Signed* by the three Petitioners *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 37.

(*b*) $\frac{23}{25}$ Feb. Paper of amendments made in the Select Committee on these days. Com. Book.

(*c*) 25 Feb. Draft, marked A, of the part of the preamble which recites the part of the Will containing the legacies to Mrs. Cooper, of Moseley, and others down to the bequest of mourning garments to the household servants. [Added this day by the Select Committee. Com. Book.]

(*d*) 25 Feb. Draft, marked B, of the part of the preamble which recites the part of the Will revoking former Wills and adding the codicil of 27 May. [Added this day by the Select Committee, being one of the amendments offered by the Prosecutors. Com. Book.]

1725. Feb. 17. Alice Bromwich's Estate (Whitchurch) Act.—Amended Draft of an Act for vesting several messuages, lands and tenements in the parish of Whitchurch, in the county of Chester, in trustees to be sold for paying off the incumbrances charged thereon and for other uses therein mentioned. The Lords, besides a drafting amendment, inserted the names of the trustees. The amendments, made by the Commons, were of a drafting nature. C. J., XIII. 822. [Read 1ª this day. Royal Assent 30 March 1702. L. J., XVII. 37, 87. 1 Anne c. 18 in Long Cal. *See* Com. Book 6 March and No. **1654**.]

Annexed:—

(*a*) 16 Feb. Petition of John Edwardes, Gent. Alice Bromwich, widow, deceased, by her Will in 1689, after some legacies, left the rest of her personal estate to her two sons-in-law, Sir Francis Charlton, Bart., and Roger Pope, Jun., Esq., in trust for the children of her two daughters Dame Dorothy and Elizabeth, their respective wives. The trustees purchased a messuage and lands in Worswall, Cheshire, but, some of Mrs. Bromwich's debtors being insolvent, Mr. Pope could not make up the purchase money. He, therefore, borrowed 450*l.*, and prevailed on Petitioner and Edward Bickerton to be bound for it, assigning the premises to Petitioner to raise the 450*l.* and indemnify himself, the residue to go according to the Will. The premises having previously been settled to answer the trust, Petitioner cannot sell them, and, by the time the children come of age, the charges on the estate will be greater than it will bear. The Charltons and Roger Pope, whose wife is dead, consent to an Act of Parliament for the sale of the premises, and Petitioner prays leave to bring in a Bill for that purpose. *Signed* John Edwardes. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 35.

1701–1702. — No. 1725.

(*b*) 6 March. Signed consent of John Edwardes to the Bill, which he conceives to be absolutely necessary. *Dated* 25 Feb. *Attested* Ra. Littlehales, James Legg. [Produced this day before the Select Committee and proved by Littlehales. Com. Book.]

(*c*) 6 March. Consent of Sir Francis Charlton, Bart., and Dame Dorothy, his wife, father and mother of the child to whom, together with the three children of Roger Pope, Jun., Esq., the residue of the estate is to go, and of John Coxe, of Cleat, Staffordshire, Esq., to whose children it would go in case of the death of Dame Dorothy and the other children, and of Lancelot Stephens, Gent., Thomas Barkham and Humfrey Brompton, the surviving trustees, to the Bill, without which the debt would eat out the premises before the children came of age. *Dated* 20 Feb. *Signed* Francis Charlton, D. Charlton, John Coxe, Lan. Stephens, Tho. Barkham, Humfrey Brompton. *Attested* Jon. Wynn, for all, and Thomas Hunt Sarah Dunton, Mary Evans, Richard Barkham and Sidney Brompton for the Charltons, Coxe, Stephens, Barkham and Brompton respectively. [Produced this day before the Select Committee and proved by John Wynn. Com. Book.]

(*d*) 6 March. Paper of the Amendments made in the Select Committee this day. Com. Book.

1726. Feb. 19. Mansell's Estate (No. 2) Act.*—Amended Draft of an Act to enable Edward Mansell, Esq., to raise a further sum of 1,000*l.*† on a mortgage of the impropriate Rectory of Llanridian for payment of debts. The only amendment of any importance, made by the Lords' Select Committee, was the alteration of 1,500*l.* to 1,000*l.* throughout the Bill. There were also two drafting amendments. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 6 May 1702. L. J., XVII. 39, 118. 1 Anne c. 57 in Long Cal. *See* Com. Book March 18, 23.]

Annexed:—

(*a*) 16 Feb. Petition of Thomas Hale and Alexander Trotter, Esqs., and Henry Fox, Gent., on behalf of themselves and others, creditors of Edward Mansell, the elder, late of Henllys, in the county of Glamorgan, Esq., deceased. Edward Mansell, the elder, in 1682, on the marriage of his son Edward with his now wife Margaret, settled upon them and their issue the Rectories impropriate of Llanridian and Penrice and other lands. He was at the time of his death also seised of the manor of Henllys, in Glamorganshire, which, though mortgaged, was of much greater value than the settled lands. His son Edward obtained an Act of Parliament vesting the settled lands in Thomas Mansell, of Margam, Glamorganshire, Esq., and Thomas Drew, of Grange, Devon, Esq., in trust to raise 3,000*l.* for payment of his debts, and those of his father, and from any surplus, 2,000*l.* more for portions for younger children. The 3,000*l.* has been expended in paying off debt, but Petitioners, who are creditors of Edward Mansell, the elder, for about 1,500*l.*, not included in the Act, are thereby likely to be defeated of their debts, which had previously been charged on Henllys. Pray leave to bring in a

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* *See* No. 1542.

† Substituted for 1,500*l.* by the Select Committee.

Bill enabling the trustees to raise out of the trust estate 1,500*l.* to pay off Petitioners and the remaining creditors. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 35.

(*b*) 23 March. Signed Consent of Edward and Margaret Mansell, subscribed to a Draft of the Bill. *Attested* Benjamin Jenkins. [Produced this day before the Select Committee and proved by Jenkins. Com. Book.]

(*c*) 23 March. Paper of the amendments made in the Select Committee this day. Com. Book.

1727. Feb. 20. Exeter Deanery Estate (Culmstock) Act.—Amended Draft of an Act to enable the Dean and Chapter of the Cathedral Church of St. Peter, in Exeter, and their farmers and tenants to make leases of and in the manor of Culmstock, in the county of Devon. The Lords, in addition to two drafting amendments, added words immediately before the first enacting clause, to declare the consent of the majority of the tenants to the Bill. The one amendment, made in the Commons, was of a drafting nature. [Read 1ª this day. Royal Assent 6 May 1702. L. J., XVII. 41, 118. 1 Anne c. 49 in Long Cal. *See* Com. Book 8 March.]

Annexed:—

(*a*) Feb. 19. Petition of John Sanford, Esq. Identical with No. **1624**. *Signed* by Petitioner. L. J., XVII. 39.

1728. Feb. 20. Suffolk Place Improvement Act (Lant's Bill).—Amended Draft of an Act for the better improvement of Suffolk Place, in the borough of Southwark, in the county of Surrey. The amendments, made by the Lords, were merely of a drafting nature. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 25 May 1702. L. J., XVII. 41, 149. 1 Anne c. 78 in Long Cal. *See* Com. Book 27 March 1702.]

Annexed:—

(*a*) 19 Feb. Petition of Thomas Lant, Esq. Petitioner by descent, contingencies and mesne conveyances is present tenant for life of Suffolk Place, *alias* Southwark Place, in the borough of Southwark, the next remainders being to his issue with his present wife; but he has no power to grant leases and, the tenements being ruinous and unlet, the charge of repairs is very great. Prays leave to bring in a Bill enabling him to make leases for a term of years, reserving the best improved rent that can be got. *Signed* Tho. Lant. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 38.

(*b*) 27 March 1702. Paper of amendments made in the Select Committee this day. Com. Book.

1729. Feb. 20. Tempest's Estate Act.—Amended Draft of an Act to vest several lands and tenements, in the county of York, in trustees to be sold for the raising of a portion for Henrietta Tempest, an infant. The amendments, made by the Lords, were merely of a clerical and drafting nature. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 6 May 1702. L. J., XVII. 41, 118. 1 Anne c. 55 in Long Cal. *See* Com. Book. 12 March.]

Annexed:—

(*a*) 11 Feb. Petition of Alathea Allanson, mother and guardian of Henrietta Susanna Tempest, an infant of about the age of sixteen years. The infant, as heir of the body and right heir of Sir

1701–1702. — No. 1729.

Henry Cholmley, her great grandfather, is seised of divers scattered lands, &c., in Yorkshire, 150 miles distant from where she lives, and is thereby, in agencies and otherwise, put to very great expense. The sale of this remote estate and conversion of the proceeds into a portion will highly conduce to her advancement in marriage and procure a better marriage settlement, and all parties concerned consent; but owing to her minority this cannot be effected without an Act of Parliament. Prays leave that a Bill may be brought in for the purpose. *Signed* A. Allanson. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 33.

(*b*) 12 March. Paper of amendments made in the Select Committee this day. Com. Book.

1730. Feb. 20. Naturalization (Saint Leger De Bacalon, etc.) Act. —Amended Draft of an Act for naturalizing Thomas St. Leger de Bacalon, Joseph De Launay, Alexander De Raquet Desfourneaux and others. [Read 1ª this day. Royal Assent 25 May 1702. L. J., XVII. 41, 149. 1 Anne c. 111 in Long Cal. *See* Com. Book 28 Feb., 2 and 3 March.]

Annexed:—

(*a*) 16 Feb. Petition of Thomas St. Leger [de Bacalon]* and other French officers praying to be naturalized. They have served his Majesty during the late war in Flanders and elsewhere, but, as they were born out of his Majesty's allegiance, are not capable of doing any further service unto his Majesty unless they can be naturalized. Pray for an Act for their naturalization. *Signed* Thomas St. Leger de Bacalan, Alexander de Raquet Desfourneaux, Paul de Gualis [de Gally de la Gruelle], Joseph De Launay, James Trellebois, Henry Delalande, J. St. Christol [de Liverne], Peter de Franquefort, David de Montallieu Saintipolit, Paul Longchamp [de la Coude], John Constantin, John Belard, Jean Housset, James de Saubergue, Guy Tinguy, Lewis Benjamin D'Ollon [Dolon], François Delubieres [de Langes de Lobieres], John Port de Laroque, Anthoine Laroque, Isaac De Laigle [Laigle de Montmayeur], John James Colom, Paul Pre. Le Bas, Anthony Caillon, Laurence Boudet, John James Montledier, Elieser Minte, John George Schmiten, John Thomas, Louis de Boisrayon [Boyragon], Franc. de la Rochefoucaut [de la Rochefaucaut], John Bojer [Boyer], John Laborde, Isaac Bojer [Boyer], Danil Gamel, Elias Deipeuch, Amateur Bouhereau, Estienne Duport, Jacques de Leuze, Peter Dufoussat, Isaac Mauca, Henry Dabzac [Dabjac], Pr. Buor [Bour] De La Moriniere, Frederick Wm. de Roye de la Rochefoucaut, Paul Labastide Delon [de la Bastide Delon], Estienne Tessier, Pierre Ardesoif, Alexander Razigade. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 36. All the Petitioners were included in the Draft Bill with the exception of John Thomas, John Laborde, Jacques de Leuze and Isaac Mauca, who do not appear to have been naturalized by any of these Acts; Amateur Bouhereau, who was included in Benovad's Act, No. **1751**, and Alexander Rasigade, who was added to the Bill by the Select Committee on 3 March when his

* In these Petitions alternatives in the spelling of some of the names, which are found in the Act or in the Draft Bill, are inserted in square brackets.

Certificate was produced and proved. Com. Book. The Certificates of the others were produced and proved on 28 Feb., with the exception of that of Daniel Gamel which was produced and proved on 2 March. Com. Book. All the Petitioners, except those who have been already mentioned and Isaac de Laigle [de Montmayeur] and Stephen Tessier, who were struck out by the Select Committee (*see* note to No. (14) Annex (*l*), and Peter Dufoussat, who was struck out by the Commons (*see* No. (34) Annex (*l*)), were naturalized by this Act. For Certificates, *see* Annex (*l*).

(*b*) 23 Feb. Petition of Zacharia Sedgwick, who was born beyond the seas, but has lived in England for the space of eighteen years past, during which time he has upon all occasions shown his zeal for the Protestant religion in which he was educated and the good of the Kingdom of England. Prays to be added to the pending Naturalization Bill. *Signed* Zacharia Sedgwick, his mark. *Endorsed* as read this day. *Ordered* as desired. MS. Min. *See also* L. J., XVII. 43. Petitioner was added to the Bill on 2 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*l*).

(*c*) 23 Feb. Petition of Daniel Brisac and six others. Petitioners have served his Majesty ever since his happy accession and on all occasions, according to their duty, ventured their lives for the preservation of the Protestant religion. They are not capable of doing any further service unless they are naturalized. Pray to be added to the Naturalization Bill now pending. *Signed* D. Brisac, John Francis Mousset, James Texier, Paul Fournieu [Fournier], Stephen Brigaud, Anthony Vezian, Andrew Livardie [Liverdie]. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 43. Petitioners, with the exception of Texier and Brigaud who were naturalized by Benovad's Act, No. **1751**, were added to the Bill by the Select Committee on 2 and 3 March when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*l*).

(*d*) 23 Feb. Petition of Daniel de Virasel and seven others. The Petition is practically identical with the preceding ones. *Signed* Daniel de Virasel [Virazell], Moyse Laporte, Gabriel Brocas, Isaac Bigot, John Lewis Ligonier, François Hubac Lafabregue, Peter Lacoste, Paul Labilliere. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 43. Petitioners were added to the Bill by the Select Committee on 2 March, when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*l*).

(*e*) 23 Feb. Petition of Benjamin Marchais and five others. The Petition is practically identical with the preceding ones. *Signed* Biniamin Marchais, Daniel Papon, Peter D'Aniel [Daniel], Gabriel De la Primandaye [Delaprimanday], John Brugier. *Endorsed* as read this day. *Ordered* as desired. MS. Min. L. J., XVII. 43. Marchais and Bruguier were added to the Bill by the Select Committee on 3 March, when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*l*). Papon, D'Aniel and De la Primandaye were naturalized by Benovad's Act, No. **1751**.

(*f*) 24 Feb. Petition of Peter Mason and nine others. The Petition is practically identical with the preceding ones.

1701–1702.
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No. 1730.

Signed David Bonnet, James Galine, Peter Bezard, Peter Cabibel, Daniel Fourestier, Thomas Le Heup, Peter Mason, Pierre Landreau. *Endorsed* as read this day. *Ordered* [as desired]. L. J., XVII. 45. Cabibel was added to the Bill by the Select Committee on 3 March, when his Certificate was produced and proved. He was naturalized by this Act. For Certificate, *see* Annex (*l*). The others, with the exception of Benjamin Le Roy and John Labore whose names appear on the Petition, but who did not sign it, and who do not appear to have been naturalized by any of these Acts, were naturalized by Benovad's Act, No. 1751.

(*g*) 25 Feb. Petition of Gabriel De la Haye and two other French Protestants. Petitioners were forced out of their native country on account of their religion and have lived in England for several years. They wish to be qualified to serve in his Majesty's forces at this juncture. Pray to be naturalized in the Bill now depending. *Signed* G. De la Haye, Lewis Grolleau, James Philipe Moreau. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Grolleau was added to the Bill by the Select Committee on 3 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*l*). De La Haye and Moreau were included in Benovad's Bill, but the latter was struck out by the Commons for not paying his fees. C. J., XIII. 902, 904.

(*h*) 25 Feb. Petition of William Matthysen and two others. The Petition is practically identical with the preceding one, except that the Petitioners do not evince any desire to serve in his Majesty's forces. *Signed* Wm. Matthysen, Frederik Bodisco, Christian Bockholt. *Endorsed* as read this day. MS. Min. No entry in L. J. Bockholt was added to the Bill by the Select Committee on 3 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*l*). The other two Petitioners were naturalized by Van Ryssen's Act, which received the Royal Assent on 25 May 1702. L. J., XVII. 149. They had previously been included in Benovad's Bill, from which they were struck out by the Commons. C. J., XIII. 902.

(*i*) 3 March. Paper of amendments made in the Select Committee on 28 Feb. and 2 and 3 March, which were ordered to be reported this day. Com. Book.

(*j*) 3 March. Paper, marked A, for insertion on the paper of amendments (Annex (*i*)). It contains the names of the persons added to the Bill by the Select Committee on 2 March, as well as those of Rasigade and Bockholt who, according to the Com. Book were added on 3 March. This paper and the paper (Annex (*k*)), which follows, formed part of the amendments which were reported from the Select Committee this day.

(*k*) 3 March. Paper, marked B, containing the names of persons added to the Bill this day, except those of Rasigade and Bockholt. *See* Annex (*j*).

(*l*) $\frac{28 \text{ Feb.}}{18 \text{ May.}}$ Certificates that the following persons received the Sacrament according to the usage of the Church of England, viz. :—

(1) Thomas St. Leger De Bacalan [Bacalon in Act], on 15 Feb. 1701–2, at the Parish Church of St. Martin's-in-the-fields,

Westminster. *Signed* Tho. Yates, Minister, Isa Godfrey, Churchwarden. *Dated* eod. die. *Attested* by Alexander De Raquet and Joseph D'Launay.

(2) Joseph Launay [de Launay in Act]. *Attested* by Thomas St. Leger [Bacalan] and Alexander de Raquet. Rest as in (1).

(3) Alexander De Raquet Desfourneaux. *Attested* by Thomas St. Leger and Joseph D'Launay. Rest as in (1).

(4) Laurence Boudet. *Attested* by Anthony Caillon and David de Montalieu St. ypolitte [Saint-ipolit]. Rest as in (1).

(5) [James Trelbois.]

(6) Paul de Gally [Paul de Gally de la Gruelle in Act], on 22 Feb. 1701–2. *Attested* by Gabriel Brocas and John Lewis Ligonier [Lewis de Ligonier]. Rest as in (1).

(7) Paul Labastide Delon [de la Bastide Delon in Act]. *Signed* Ro. Grisedale, Minister. *Attested* by John Belard and James St. Christol [Chrestol]. Rest as in (1).

(8) Henry Delalande [de la Lande in Act]. *Attested* by James Trellebois and James Saubergue. Rest as in (1).

(9) James St. Chrestol [St. Christol de Liverne in Act]. *Attested* by Paul Longchamp and Paul Labastide Delon. Rest as in (7).

(10.) Peter Franquefort. *Attested* by James Saubergue and James Trellebois. Rest as in (1).

(11) Peter Ardesoif, on 22 Feb. 1701–2. *Attested* by David Pain and Paul Fournier. Rest as in (1).

(12) David Demontalieu Saintipolit [de Montalieu in Act]. *Attested* by Anthony Caillon and Lawrence Boudet. Rest as in (7).

(13) Paul Langchamp [Longchamp de la Coude in Act]. *Attested* by James St. Christol and Paul La Bastide Delon. Rest as in (7).

(14) *John Constantine [Constantin in Act]. *Attested* by Louis Boisragon and Louis Benjamin D'Ollon. Rest as in (7).

(15) Frederick William De La Roche Foucaut [de Roye de la Rochefoucaut in Act], on 22 Feb.1701–2. *Attested* by Thomas St. Leger de Bacalan and Alexander de Raquet Desfourneaux. Rest as in (1).

(16) Stephen Du Port [Duport in Act], on 22 Feb. *Attested* by Isaac Laigle De Montmayeur and Peter Cabibel. Rest as in (1).

(17) Ephraim Falaise, on 22 Feb. *Attested* by John James Colom and John Brunel. Rest as in (1).

(18) Stephen Tempié [Tempier in Act], on 22 Feb. *Attested* by Peter Pinet and Peter Martin. Rest as in (1).

(19) John Belard. *Attested* by James St. Christol and Paul Labastide Delon. Rest as in (7).

(20) John Housset. *Attested* by Guy Tinguy and Peter La Moriniere. Rest as in (1).

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* John Constantine, John George Schmiten, Stephen Tessier and Isaac de Laigle were marked, as not having paid their fees on 28 Feb. Com. Book. E. Feversham undertook for the fees of the first of these, and Schmiten must have paid his fees before the Bill was reported on 4 March. L. J., XVII. 56. Tessier and de Laigle were struck out of the Bill, presumably for not having paid their fees.

1701–1702.

No. 1730.

(21) James Saubergue [De Saubergue in Act]. *Attested* by Henry Delalande and James Trellebois. Rest as in (1).

(22) John De Baillehache, on 22 Feb. 1701–2. *Attested* by Elieser Minte and John George Schmiten. Rest as in (7).

(23) Guy Tinguy. *Attested* by John Housset and Peter La Moriniere. Rest as in (1).

(24) Lewis Benjamin Dolton [Dolon in Act]. *Attested* by Francis Delanges Lubieres and Louis de Boisragon. Rest as in (7).

(25) Francis De Langes Lubieres [de Langes de Lobieres in Act]. *Attested* by Louis de Boisragon and Louis Benjamin D'Ollon [Dolton]. Rest as in (7).

(26) John James Colom, on 22 Feb. 1701–2. *Attested* by Ephraim Falaise and John Brunel. Rest as in (1).

(27) Anthony Laroque [de la Roque in Act]. *Attested* by John Porte De Laroque and John Boyer. Rest as in (1).

(28) Eliezar Minte, on 22 Feb. 1701–2. *Attested* by John George Schmiten and John de Baillehache. Rest as in (7).

(29) John George Schmiten, on 22 Feb. 1701–2. *Attested* by Eliezar Minte and Paul Peter Les Bas [Labas]. Rest as in (1).

(30) [John Lamirandole.]

(31) David Pain, on 22 Feb. 1701–2. *Attested* by Peter Ardesoif and Paul Fournier. Rest as in (1).

(32) Peter Buor La Moriniere [Bour de la Moriniere in Act]. *Attested* by Guy Tinguy and John Houset. Rest as in (1).

(33) *Isaac Paiferie. *Attested* by Peter Dufoussat and Henry Dabzac. Rest as in (7).

(34) *Peter Dufoussat. *Attested* by Isaac Paiferie and Henry Dabzac. Rest as in (7).

(35) Henry Dabzac [Dabjac in Act]. *Attested* by Isaac Paiferie and Peter Dufoussat. Rest as in (7).

(36) Anthony Caillon. *Attested* by David Montalieu St. Ypolitte and Lawrence Boudet. Rest as in (1).

(37) Lewis De Boisragon [de Boyragon]. *Attested* by Francis Delanges Lubieres and Louis Benjamin D'Ollon. Rest as in (7).

(38) Peter Martin, on 22 Feb. 1701–2. *Attested* by Stephen Tempié and Peter Pinet. Rest as in (1).

(39) Peter Pineau, on 22 Feb. 1701–2. *Attested* by James Galine, by his mark, and David Bonnet. Rest as in (1).

(40) Charles Legge [Legg in Act], on 22 Feb. 1701–2. *Attested* by Daniel Brisac and William Forster. Rest as in (1).

(41) Peter Pinet [Pinnet in Act], on 22 Feb. 1701–2. *Attested* by Peter Martin and Stephen Tempié. Rest as in (1).

(42) John Boyer. *Attested* by Anthony Laroque and John Porte de Laroque. Rest as in (1).

(43) John Brunel [Branelt in Act], on 22 Feb. 1701–2. *Attested* by John James Colom and Ephraim Falaise. Rest as in (1).

(44) Isaac Boyer. Rest as in (42).

(45) Gabriel la Port [Laporte in Act], on 22 Feb. 1701–2. *Attested* by Peter Pinet and Jean Jaques De La Corbiere [Delacorbiere]. Rest as in (1).

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* This name was struck out of the Bill by the Commons. C. J., XIII. 896.

(46) Daniel Gamel, on 1 March 1701–2. *Attested* by Benjamin de Malide and Francis Joly de Ternac. Rest as in (1).

(47) Elias Delpeuch. *Attested* by Anthony Caillon and David de Montalieu Ypolitte. Rest as in (1).

(48) Francis de la Rochefoucaut. *Attested* by Thomas St. Leger [Bacalon] and Paul Le Bas [Lebas]. Rest as in (7).

(49) Abraham Vanderhagen, on 22 Feb. 1701–2. *Attested* by John Boyer and Isaac Boyer. Rest as in (1).

(50) John Porte De Laroque [Port Laroque in Act]. *Attested* by Anthony Laroque and John Boyer. Rest as in (1).

(51) Jean Jaques De la Corbiere [Corbiere in Act], on 22 Feb. 1701–2. *Attested* by G. Laporte and Jean Boulaire De l'Amirandolle [de Lamirandolle]. Rest as in (1).

(52) Paul Peter le Bas. *Attested* by Francis de la Rochefoucaut and Thomas St. Leger [Bacalon]. Rest as in (1).

(53) [John James Montledier.]

[The above persons were in the Draft Bill. The Certificates of James Trelbois, John Lamirandole and John James Montledier are missing. Laigle De Montmayeur and Stephen Teissier were also in the Draft Bill, but were struck out by the Select Committee on 2 March, for not having paid their fees. Com. Book.]

[The following persons were added to the Bill by the Select Committee on 3 March. Com. Book. Francis Hubac Lafabreque was also added to the Bill, but his Certificate is missing.]

(54) Daniel Brisac, on 22 Feb. 1701–2. *Attested* by Charles Legge and William Forster. Rest as in (1).

(55) Zachariah Sedgaick [Sedgwick in Act], on 22 Feb. 1701–2. *Attested* by Thomas Lediard and James Eales. Rest as in (1).

(56) Daniel du Virasel [de Virazel in Act], on 22 Feb. 1701–2. *Attested* by Gabriel Brocas and Paul Labillière. Rest as in (1).

(57) Moses la Porte [Laporte in Act], on 22 Feb. 1701–2. *Attested* by John James Montledier [Montlediere] and John Lewis Ligonier. Rest as in (1).

(58) Gabriel Brocas, on 22 Feb. 1701–2. *Attested* by Daniel de Virasel and Paul Labilliere. Rest as in (1).

(59) Isaac Bigot, on 22 Feb. 1701–2. Rest as in (57).

(60) John Lewis Ligonier [Legonier in Act], on 22 Feb. 1701–2. *Attested* by John James Montledier [Montlediere] and Moses Laporte [la Porte]. Rest as in (1).

(61) Paul Labilliere, on 22 Feb. 1701–2. *Attested* by Peter Lacoste and Francis Hubac Lafabregue [Lafabreque]. Rest as in (1).

(62) Peter Lacoste, on 22 Feb. 1701–2. *Attested* by Paul Labilliere and Francis Hubac Lafabregue. Rest as in (1).

(63) [Francis Hubac Lafabreque.]

(64) Andrew Livardie, on 22 Feb. 1701–2. *Attested* by G. Laporte and Jean Jaques De La Corbiere. Rest as in (1).

(65) Paul Fournier, on 22 Feb. 1701–2. *Attested* by Peter Ardesoif and David Pain. Rest as in (1).

(66) Jean François Mousset, on 22 Feb. 1701–2. *Attested* by James Philipe Moreau and Peter D'Anniel [Daniel]. Rest as in (1)

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(67) Alexander Rasigade, on 1 March 1701–2, at the Parish Church of St. Anne's, Westminster. *Signed* Will. Hodges, Minister, Geo. Hughes, Churchwarden. *Dated* eod. die. *Attested* by Joseph Grace and Richard Browne.

(68) Christian Booxholt [Bockholt in Act], on 1 March 1701–2, received the Sacrament, according to the usage of the Protestant Church, at the German Lutheran Church in the Savoy. *Signed* Irenaeus Crusius, Minister, John Keilman, Churchwarden. *Dated* eod. die. *Attested* by Luke Sanders and John Bonner.

(69) Benjamin Marsais [Merchais in Act], on 22 Feb. 1701–2. *Attested* by Daniel Papon and Peter D'Aniel [Daniel]. Rest as in (1).

(70) Peter Cabibel, on 22 Feb. 1701–2. *Attested* by Stephen Duport and Isaac Laigle de Montmayeur. Rest as in (1.)

(71) Lewis Grolleau, on 22 Feb. 1701–2. *Attested* by Gabriel de la Primandaye and James Philipe Moreau. Rest as in (1).

(72) Anthony Vezian, on 22 Feb. 1701–2. *Attested* by Peter Ducrot [Ducros] and John Bruguier. Rest as in (1).

(73) John Bruguier, on 22 Feb. 1702–1. *Attested* by Peter Ducrot and Anthony Vezian. Rest as in (1).

[The following persons were added to the Bill by the Commons. C. J., XIII. 896. Louis Pasquereau was also added to the Bill, but his Certificate is missing.]

Charles de Lapointelle [Lepointelle in Act], on 29 March 1702. *Attested* by Pierre de Maigron and John Chaigneau. Rest as in (7).

Pierre de Maigron, on 29 March 1702. *Attested* by Charles Lapointelle and John Chaigneau. Rest as in (7).

Albert le Blank [Le Blanc in Act], on 29 March 1702. *Attested* by Abel De Castelfranc [de Castlefrank] and Abraham Bruniquel. Rest as in (7).

Abel Castelfrank [de Castelfrank in Act], on 15 March 1701–2. *Attested* by John Champfleury and Abraham Bruniquel [Bourniquel]. Rest as in (7).

John Chamfleury [de Champflury in Act], on 15 March 1701–2. *Attested* by Abel Castelfranc and Abraham Bruniquel. Rest as in (7).

Henry Foubert [de Foubert in Act], on 29 March 1702, at the Parish Church of St. James's, Westminster. *Signed* Will. Wake, Minister, Tho. Causey, Churchwarden. *Dated* eod. die. *Attested* by William Simonds and Richard Smart.

David Francis Gaudot [Goudot in Act], on 15 March 1701–2. *Attested* by Taneguy Le Févre and Isaiah Renaudet. Rest as in (1).

John Espinasse De Fonvive, on 12 April 1702. *Attested* by Charles Timothy Baignoux and Eelie Negre. Rest as in (1).

Stephen de Gulhon [Desgulhon in Act], on 1 March 1701–2. *Attested* by Marc Anthony Valogne and Francis Joly de Ternac. Rest as in (1).

Lewis de la Coude, on 15 March 1701–2. *Attested* by Abel Castelfranc and Abraham Bruniquel. Rest as in (7).

Philip Rose, on 1 March 1701–2. *Attested* by Louis Pau, John Gaile and Jacob Aceré. Rest as in (1).

Abraham Bruniquel, on 15 March 1701–2. *Attested* by Abel Castelfranc and Louis de la Coude. Rest as in (7).

1731. Feb. 21. Powell's Estate (Williams) Act.—Amended Draft of an Act for vesting in trustees the estate late of Sir William Powell, Bart., deceased, for raising portions for the younger children of Sir Jno. Williams and Dame Mary, his wife, (daughter of the said Sir William Powell), and to enable William Williams, their eldest son, to make a jointure to such wife as he shall marry. The Lords' amendments were merely of a clerical and drafting nature. The Commons, besides two drafting amendments, substituted the words, six poor men and twelve poor women, for the words, twelve poor men and six poor women, in the clause before the general saving clause. C. J., XIII. 850. [Read 1ª this day. Royal Assent 6 May 1702. L. J., XVII. 42, 118. 1 Anne c. 50 in Long Cal. *See* Com. Book 12 March.]

Annexed:—

(*a*) 19 Feb. Petition of Sir John Williams, Knt., and Dame Mary, his wife. Sir William Hinson, *alias* Powell, Bart., devised by Will all his lands, &c., in Middlesex, Hereford and elsewhere, with some exceptions, to the life rent use of Petitioner Dame Mary, and afterwards to her male issue in tail male, with remainder to her daughters, with power to Dame Mary, if she survived Sir John and married again, to settle lands worth 200*l.* a year on her second husband, (which power she is willing to relinquish), and with power to any tenant in tail to settle lands for a jointure for his wife. By the marriage settlement the trustees were empowered to make yearly payments to the younger children and raise 3,000*l.* for their education and portions. William Williams, Esq., is the only surviving issue male of Petitioners, and there are four daughters; but the son, being under age, cannot make a jointure, neither can Sir John, during Dame Mary's lifetime, charge the estate with daughters' portions. Pray leave that a Bill may be brought in for those purposes. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 39.

(*b*) 12 March. Paper of amendments made in the Select Committee this day. Com. Book.

1732. Feb. 21. Naturalization (Charlotte Boscawen) Act.—Certificate that Charlotte Boscawen, on 8 Feb. 1701–2, received the Sacrament according to the usage of the Church of England, in the Parish Church of Farnham Royal, Bucks. *Signed* Charles Hickman, Minister, Wm. Jones, Will. Bass, by his mark, Churchwardens. *Dated* eod. die. *Attested* by Hugh Boscawen and Samuel Trefusis. [Produced and proved this day before the Select Committee. Com. Book. The Bill was brought from the Commons on 17 Feb. Royal Assent 2 March. L. J., XVII. 37, 53. 14 Will. III. c. 5 in Long Cal.]

1733. Feb. 23. Kinsey *v.* Hayward (In Error).—Writ of Error and Transcript of Record brought in this day. L. J., XVII. 44. Mary Kinsey, widow, administratrix of Sir Thomas Kinsey, Knt., her late husband, who died intestate, sued Henry Hayward, late of Southwark, carpenter, executor of John Hayward, for 50*l.* owed by the said John Hayward to her late husband. Henry Hayward refused to pay on the ground that John Hayward had not accepted an original writ within six years before the demand. Petitioner rejoined that she ought not to be precluded thereby. She obtained 75*l.* damages, and 21*l.* costs in the Common Pleas, but the Judgment was reversed in King's Bench on appeal, and she brought a Writ of Error to the House of Lords. Her

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suggestion of Error, brought in on 2 March, is appended, as is also Hayward's replication. *Parchment Collection.* [At the Hearing on 29 April *Mr. Serjeant Hooke* and *Mr. Phipps*, for the Plaintiff, contended that the debt was just and that a proper course had been followed. They quoted Jones 417, Finch and Lamb's Case. *Mr. Dodd*, for the Defendant: This demand is set up 8 or 9 years after the death of the testator, and it is reasonable in this case to set up the Statute of Limitations. The Writ is determined and the cause of action. *Mr. Montagu* was also heard for the Defendant to the same effect. *Moved* to hear the Judges of King's Bench, Common Pleas and Exchequer on 1 May. MS. Min. On 1 May the *Lord Keeper* reported what had been offered by Counsel. *Mr. Justice Powell*, for all the Judges of the Common Pleas: In all personal actions there is a clausum fregit taken out. A clausum fregit is a local action. When we have an appearance we sue out an original. It was told us they differ in the King's Bench from us. *L. C. Justice King's Bench:* I could not avoid reversing this. This set aside the Statute of Limitations. This is the first Judgment given in the Common Pleas in such a case. This must be intended to be discontinued. *L. C. Baron:* The question appears to be a novelty to me. It does not say this was delivered to the sheriff. What jurisdiction had the Common Pleas in this case? Then the Judgment of the King's Bench was affirmed. MS. Min. L. J., XVII. 111.]

1734. Feb. 23. Palmes *v.* Lane (In Error).—Writ of Error and Transcript of Record brought in this day. L. J., XVII. 44. Henry Lane sued Thomas Meredith and Stephen Palmes, in the custody of the Marshal of the Marshalsea, for the unlawful possession of a gelding and some bridles, saddles and other harness, his property, to the value of 100*l.*, and was awarded costs and damages against Palmes amounting to 24*l.*, Meredith being acquitted. Palmes appealed to the Exchequer Chamber, and the Judgment was affirmed with 9*l.* costs. He then brought his Writ of Error to the House of Lords. The suggestion of Error and issue joined are appended to the Judgment Roll. *Parchment Collection.* [The Cause was never heard.]

1735. Feb. 23. Security of the King's Person, &c., [H.C.] Act (Abjuration Bill).—Paper of amendments, made by the Lords, to the Bill for the further security of his Majesty's Person and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales and all other pretenders and their open and secret abettors. The Bill, as amended, was reported from C. W. H. this day. These amendments are set out *in extenso* in C. J., XIII. 774, with the substitution of the word, time, for the word, term, in the first amendment. [The Bill was brought from the Commons and read 1ª on 20 Feb. L. J., XVII. 41. On 21 Feb. it was read 2ª and committed to C. W. H. A debate arose, Whether a Bill should be offered for imposing an oath on the Peers to deprive them from sitting in Parliament? The Protest in Journal 1675 was read out of the Journals by E. Nottingham. 30 April 1675, Order out of the Roll [of] Standing Orders read. *Moved* to give instructions to Committee that the Bill be altered in this particular, that no oath shall be offered to deprive a Peer from sitting in Parliament. After Debate, the *Question* was put. *See* L. J., XVII. 43. *Resolved* in the negative. Contents 25, Not Contents 46: Tellers, E. Radnor, E. Warrington. The second proposal, to make the oath voluntary, was also negatived. Contents 33, Not Contents 39: The

same Tellers. *Proposed* to go into the Committee presently. After debate, *Proposed* that the House be put into a Committee on this Bill on Monday next. *Ordered* accordingly for Monday next, precisely at 12 o'clock, and Lords summoned, and the Bill for Mutineers and Deserters to be read 3ª on Monday next. MS. Min. L. J., XVII. 43. 1701–1702. — No 1735.

On 23 Feb., in C. W. H., Bishop of Sarum in the Chair, after the title and preamble had been postponed, the first enacting clause was read. 3 Sk., l. 5, 6, *Proposed* these words be left out, viz.: or elsewhere. After debate, *On Question*, Whether these words shall stand part of the Bill? *Resolved* in the affirmative. Then the clause was agreed to with the first of the above amendments. The next enacting clause was read, in which is the oath. After debate, another oath was offered to be instead of the oath in the Bill. After debate, *Proposed* to add these words to the oath, viz.: and all treasons that I have known. 4 Sk., l. 8, after the word, I, insert the words, have known or [shall know to have been]*, and instead of the word, be, read the words, to have been. The *Question* was put. The Lords desisted from this proposition. *Proposed* to add to this oath the words, the Government by King, Lords and Commons, as by law established. After debate, *On Question*, Whether these words shall be added to the Bill, viz.: and I will to the utmost of my power support, maintain and defend the Constitution and Government of this Realm in King, Lords and Commons, as it is by law established. *Resolved* in the negative. Contents 17, Not Contents 54: Tellers, E. Radnor, E. Winchilsea. *Proposed* to add these words, I do swear that I will to the utmost of my power support and defend the Church of England as by law established in Episcopacy. *On Question*, Whether these words, with the addition of the words, with the toleration to dissenters, shall be made part of the oath? *Moved* to leave out the last words, with the toleration to dissenters. After debate, *On Question*, Whether the last words shall stand part of the Question? *Resolved* in the affirmative. Then the whole *Question* was put. *Resolved* in the negative. Then the oath in the Bill was agreed to, *On Question*. Candles were called in The next clause was read and agreed to. The next clause, concerning officers taking the oath, &c., read, and Paper A (Annex (*b*)) was added after the word, recusants in 5 Sk., l. 28, (second amendment above) and the other clauses to 7 Sk., l. 4. were read. *Agreed to.* The next clause, concerning Peers, read. After debate, *On Question*, Whether the words in this clause that relate to incapacitate the Peers shall stand in the Bill? *Resolved* in the affirmative. *Agreed* this clause to stand part of the Bill. The next clause was read. *Agreed to.* 8 Sk., l. 17, after the word, lie, a clause was offered relating to hereditary offices (Annex (*c*)) and read. After debate, the clause was amended (third amendment above). *Agreed to.* The next clause, about recording the refusal of this oath, was read. *Agreed to.* The next clause, for exempting some offices from taking this oath, was read. *Agreed to.* The next clause, relating to the Princess of Denmark, and also the last clause were read. *Agreed to. Moved* that a clause be added that, if a clergyman refuse this oath, he may receive the profits of the year. 9 Sk., l. 7, after the word, having, add the word, only, (fourth amendment above). The *Question* was put that those who forfeit by the first of August may hold until 1st December their livings, and a clause to be added for this purpose. *Resolved* in the negative.

* The words in square brackets are expunged.

1701–1702. — No. 1735. Contents 15, Not Contents 35: Tellers, L. Guilford, L. Ossulston. Then the preamble and title were read. *Agreed to.* The Bishop of Salisbury reported the Bill with some amendments. *Moved* that all the Peers be summoned before the Third Reading of this Bill. After debate, the *Question* was put, and the Third Reading was appointed for the following day at 1 o'clock, and all the Lords were summoned to attend. MS. Min. L. J., XVII. 44.

On 24 Feb. the Bill was read 3ª and passed, after debate, *On Question*, with a Protest,* and returned to the Commons. *Ib.* 45. On 3 March, the Protest having previously been ordered to be considered, it was read. After long debate, *Proposed* that the first Reason in the Protestation be expunged. *On Question? Resolved* in the affirmative. Contents 27, Not Contents 17: Tellers not recorded. The second Reason was agreed to stand, after debate. The third Reason was read and, after debate, the *Question* was proposed, Whether the whole Reason shall be expunged? Amendment proposed. Then the Debate, *On Question*, was adjourned to the following day. On 4 March the Order for resuming the debate being read, *Proposed* to adjourn the House. After debate, *On Question*, Whether the House shall be now adjourned? *Resolved* in the affirmative. Contents 25, Not Contents 17: Tellers not recorded. MS. Min. L. J., XVII. 55, 57. The Bill was returned from the Commons on 6 March with an amendment, which was agreed to. Royal Assent 7 March. 13 & 14 Will. III. c. 6. L. J., XVII. 59, 62. Fol. Ed.]

Annexed:—

(*a*) 23 Feb. Draft of the first and last of above amendments.

(*b*) 23 Feb. Paper, marked A, containing Draft of the second of the Lords' amendments above.

(*c*) 23 Feb. Draft of Proviso, marked B, the third of the Lords' amendments above.

(*d*) 6 March. Copy of the above amendments, made by the Lords, with the Commons' Resolutions of 3 March, C. J., XIII. 774, marked thereon, sent up with the Bill this day. L. J., XVII. 59. *Endorsed* Amendments to the Abjuration Bill.

(*e*) 6 March. Commons' amendment on 3 March to the second of the Lords' amendments above. C. J., XIII. 774. *In extenso.* Sent up with the Bill this day. L. J., XVII. 59.

1736. Feb. 25. Bishop of Gloucester's Estate Act.—Amended Draft of an Act to enable the Bishop of Gloucester and his successors to make distinct and separate leases of the manors, lands and premises therein mentioned. The Lords, in addition to some merely drafting and clerical amendments, inserted the rents reserved to the Bishop, and added the clause, declaring void leases which did not reserve the full yearly rent of 38*l.* to the Bishop in place of a clause which proposed to make him forfeit a sum to the lessee in such cases. They also inserted the proviso, denying the Bishop any other power to make leases, in place of a proviso which had merely denied him the power to make reversionary leases or leases not impeachable for waste. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 25 May. L. J., XVII. 47, 149. 1 Anne c. 76 in Long Cal. *See* Com. Book 13 March.]

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* The Protest was signed by nine Peers. *See* Protests of the Lords, edited by James E. Thorold Rogers. Vol. 1, pp. 161–3.

Annexed :—

(*a*) 23 Feb. Petition of Edward, Lord Bishop of Gloucester. Several lands, &c., are held accustomably of Petitioner by joint and entire leases. Some difficulties have arisen as to whether he can demise them by separate and distinct leases, reserving as much rent as the ancient rents amount to. The want of power to do this is a prejudice to the bishopric and to the tenants, who, if they held by distinct leases, would renew more often and give better fines for putting in their own and their relations' lives than strangers. Prays leave to bring in a Bill to give him the desired powers. *Signed* Edw. Gloucester. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 44.

(*b*) 13 March. Paper of amendments made in the Select Committee this day. Com. Book.

1737. Feb. 25. Ettrick's Estate Act.—Amended* Draft of an Act for vesting certain [lands] *messuages and tenements* in the counties of Bedford, [Hertford] and Middlesex in trustees to be sold and for purchasing [other] lands *or rents* [of a greater yearly value] to be settled to the same uses. The amendments made in the Select Committee, on commitment and recommitment, were to insert the names of the trustees; to leave out all mention of the moiety of the manor of Barnes, in Durham, belonging to John Jenkins, Esq., deceased, which was contiguous to Ettrick's moiety, and which, being for sale, was proposed to be purchased to replace the property of less yearly value proposed to be sold, leaving the trustees free to purchase such lands or rents as they shall think fit; to leave out of the estate to be sold the manor of Hayes, in Stopsley, and other property, including Tinkershall and part of Chiltern Green and Dollay Land, Lamars farmhouse, Bray's Close and Bray's Wood, and part of Darly and Howfield, all in the parish of Luton, in the counties of Bedford and Hertford, restricting the property in Luton to be sold to the two messuages called Lamars or the Crosse house; to add the clause providing for the maintenance and education of Ettrick's daughter Elizabeth; and to add to the clause making the property to be purchased liable to actions, &c., the rest of the property devised by Sir Samuel Starling. There were also some further amendments of a drafting nature. There were no amendments in the Commons. [Read 1ª this day. L. J., XVII. 46. On 14 March, in the Select Committee, E. Scarbrough in the Chair, *Mr. Ettrick* said the estate proposed to be settled in lieu of the estate to be sold, was 12*l.* per annum more than the latter; that 48*l.* of the estate to be sold was in ruinous houses, which he was not by law obliged to repair; that the estate during his life was liable to his debts; and that he was willing to be bound to any annual sum the Committee should think fit for his daughter's education, whereas now he was at liberty what he would allow her. On 19 March, E. Warrington in the Chair, *Elizabeth Starling* said her son Ettrick was at great charge with her daughter, his wife, before marriage, for her maintenance and education; she thought about 600*l.* or 700*l.*; and she knew he laid out 100*l.* in clothes for her. Her daughter had no other fortune than this estate. After evidence as to Ettrick's debts, *Samuel Starling*† gave his consent and that of his son to the Bill. The Bill was ordered to be reported with some amendments. Com. Book. On 20 March, on Report, the Bill was recommitted after debate, with an Instruction to the Committee

* Additions in italics, omissions in square brackets.

† *See* House of Lords MSS., Vol. III. (New Series), No. 1261.

1701–1702. — No. 1737. to consider that the trustees for selling one and buying the other [should see that] the whole money be laid out; and that by this Bill nothing shall be sold but the old houses. MS. Min. L. J., XVII. 77. On 21 March, in Select Committee on recommitment, D. Bolton in the Chair, after debate, on *Question*, Whether the whole estate mentioned in the Bill shall be sold? Contents 5, Not Contents 6. *Agreed* that the two houses in Luton, in Bedfordshire, and the houses in Middlesex be sold, and that 500*l.* of the money raised by their sale be allowed to Mr. Ettrick, he settling an annuity of 50*l.* per annum on his daughter for his life; the remainder of the purchase money to be laid out for the use of his daughter after his death. The Bill to be made agreeable thereto. On 25 March the amendments described above were made. Com. Book. There were no amendments in the Commons. The Bill received the Royal Assent on 6 May 1702. L. J., XVII. 118. 1 Anne c. 51 in Long Cal.]

Annexed:—

(*a*) 21 Feb. Petition of Anthony Ettrick, Gent., on behalf of himself and his daughter Elizabeth Ettrick, an infant. Petitioner is seised for life, as tenant by the courtesy, of lands in the counties of Bedford, Hertford and Middlesex, the estate of his late wife, the reversion being vested in Elizabeth Ettrick and her heirs. The houses on the Bedfordshire lands are very ruinous, and most of the Middlesex estate consists of old houses at small rents which are also very ruinous. The Petitioner lives remote from them and is put to great trouble and charge in managing them. Petitioner's paternal estate is a moiety of the manor of Barnes, in the county of Durham, the other moiety of which, worth more than his wife's estate, is now for sale. It would be for the benefit of Petitioner and his daughter to sell the wife's estate and buy the other moiety of Barnes, settling it to the same uses. Prays leave to bring in a Bill for the purpose. *Signed* Antho. Ettricke. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 42.

(*b*) $\frac{19}{25}$ March. Paper of amendments made in the Select Committee on these days. Com. Book.

(*c*) $\frac{19}{25}$ March. Draft of a clause for the maintenance and education of Elizabeth Ettrick, added by the Select Committee on 19 March and amended on 26 March. Com. Book.

1738. Feb. 25. Firebrace *v.* Moore.*—Petition and Appeal of Sir Basil Firebrace, Knt. and Bart. The East India Company in 1695 brought a Bill in Chancery against Sir Thomas Cooke and made Appellant a party. The case was depending for several years, and caused great dissension amongst the adventurers. The matters in difference were referred to Respondent and others to be settled. Respondent induced Appellant to sign a contract reciting that Appellant had, at the request of James Craggs, advanced 2,520*l.* for the purchase of 6,000*l.* stock in the Company, and that the stock was to continue in Appellant's name till Craggs should pay 2,520*l.* when it was to be transferred. An express condition was that the Company should within a month dismiss their bill and execute a general release to Appellant. As this was not done, the contract was void. Respondent,

* *See* Reports of Cases in Parliament, by Richard Colles, pp. 188–191.

however, brought his Bill in Chancery for performance of the Contract in specie. The Lord Keeper decreed that Appellant should transfer 6,000*l.* stock to Respondent and allow him 10 per cent. dividend, that Respondent should pay the residue of the purchase money with interest and that Appellant should pay Respondent his costs. Appeals against the Decree as the contract had been in the nature of a stock-jobbing bargain and the recital, as to the advance made by the Appellant, was entirely fictitious. *Signed* by Appellant. *Countersigned* Jo. Hawles, Wm. Whitelocke. L. J., XVII. 47.

[At the Hearing on 12 March, no Counsel attending for Respondent, *Ordered* that they be reprimanded which was done. *Mr. Solicitor*, for the Appellant: This Decree is erroneous in two particulars: first, there was no consideration for this contract, and that in Equity cannot be good; secondly, the contract is defective in point of law; therefore they come into Equity to have a specific performance. Mr. Moore is to get 3,000*l.* clear. *Sir Joseph Jekyll*, on the same side: There is no reason to say a Court of Equity ought to interpose in this case. Mr. Moore, they say, is without remedy at law. I hope we may not suffer upon Mr. Moore's default. They read depositions and the contract. *Mr. Cooper*, for the Respondent: You will wonder what made Sir Basil come to show your Lordships his Cause. This is like the Cause of ——— and Seignoret* and your Lordships would not assist in it. This is quite [of a] different nature and by the agreement they have read show [s] this no such thing. This is a complete absolute agreement without anything but a year's time for payment given. It is a certain quantity of stock sold and the certain [amount] was the stock left in hand. *Sir Thomas Powys:* We shall read some things in Sir Basil's Answer and proofs in Court and then say a little to the matter. He says he does not remember he signed the articles. He does not know he witnessed the assignment and Sir Basil appointed the meeting on purpose to have Mr. Craggs' witness. They read James Craggs to this and prove the contract delivered to each other. They admit the sealing. Mr. Craggs read for appointing the meeting on purpose to sign. They read to the prices of stock and to the nature of the contract. The Appeal was dismissed. MS. Min. L. J., XVII. 69.]

Annexed:—

(*a*) 2 March. Answer of Arthur Moore, Esq. The Appeal is only for delay and to avoid committal to the Fleet for contempt. The Decree is just and equitable and Appellant's allegation that he was prevailed upon by undue practices to sign the contract and that it was not grounded upon any just consideration is false and groundless. Hopes the contract will be performed and the Appeal dismissed with costs. *Signed* by Respondent. *Countersigned* P. Bowes, Wm. Dobyns. *Endorsed* as brought in this day.

1739. Feb. 25. E. Anglesey's Privilege.—List of witnesses sworn to give evidence for E. Anglesey this day. L. J., XVII. 46. [Complaint was made of a breach of Privilege committed against E. Anglesey. *Vincent Okeley* (sworn) says he had quiet possession of Bletchington, and the tenants attorned: I left the possession in Antwezl and Hampson's hands. Charles Barrett was present when I had the possession. I told him I came for the possession. I took a memorandum of what

* The Cause referred to is probably that of Glover *v.* Seignoret, No. 1653.

1701–1702. — No. 1739. . . . . *Dr. Hampson* says the Earl was in quiet possession: I was present 21 Jan. Barrett gave Okeley quiet possession. I had an order to turn Barrett out of the house. He refused, and said he had an order for keeping possession for Mr. Arthur Annesley. *Asked* what force was made use of? [*Dr. Hampson*]: Barrett called people to the witness of the order he read for taking possession for the said Mr. Annesley. He said he was to have a moiety. Samuel Allen discharged me from payment of rent. Barrett came in the morning. He called to me, and went into the house, and bid me bear witness he took possession, and forbid me to pay my rent, and the other tenants also. *James White* (sworn) says, the 6 and 7 this month I went amongst the tenants in Ireland. Mr. Henry Cole came and demanded possession the same day we had it, and he forwar[n]ed the tenants to pay rent. [*James*] *Levalley:* I asked Mr. Cole how he came to forwarn the tenants. He said he had an order from his master Annesley, and he did not care for my Lord. Cole's words were after we had possession for E. Anglesey. *Ordered* that Charles Barrett and Henry Cole be attached. William Antwezl was in the above list of witnesses, but does not appear to have been examined. MS. Min. L. J., XVII. 46.]

Annexed,—

(*a*) 25 Feb. Proofs of evidence to be given this day. As to the English estate, Oakley, Hampson, Antwezell and Allen to prove that Oakley took possession of Bletchington on 21 Feb. [Jan.] and left it with Nicholas Mayo and William Antwezell [Antwezl]: The same, except Oakley, to prove that Barrett entered on 29 Jan. and kept possession 5 days for Mr. Annesley, and discharged Saml. Allen, a considerable tenant, from paying any rent to my Lord. As to the Irish estate, Mr. White and Mr. Levalley to prove that after the attornment of the tenants in Ireland to E. Anglesey, Henry Cole demanded an attornment to Mr. Annesley and discharged them from paying rent to my Lord.

1740. Feb. 25. Quakers' Affirmation (Continuing) Act.—Draft proviso as follows: Provided always and be it enacted that no Quaker or reputed Quaker shall, by virtue of this or the recited Act, be qualified or permitted to bear any office or place whatsoever. *Noted* as rejected this day. *Endorsed* Clauses offered to Quakers' Bill. [The Bill for continuing an Act intituled, an Act that the solemn affirmation and declaration of the people called Quakers shall be accepted, instead of an oath in the usual form, was brought from the Commons and read 1ª on 16 Feb. L. J., XVII. 36. On 25 Feb. it was read 2ª and committed to C. W. H. presently. *Ib.* 47. The same day, in C. W. H., V. Longueville in the Chair, the title and preamble were read and postponed. The Act 7 & 8 Will. III. was read out of the Statute Book. *Proposed* to hear L. Keeper and Judges as to any inconvenience that has arisen from this declaration being allowed the Quakers. *L. Keeper* heard: Since I was a practicer and since I have found a very great conveniency to others in giving their testimony, and many people's right would suffer if they did not give it. *L. C. Justice Common Pleas:* I have not known any inconvenience, nor heard of any. *Mr. Justice Tracey* of the same opinion. A clause was offered. *Proposed* that the Bill be continued for three years only. After Debate, *On Question*, Whether the word, eleven, shall stand in the Bill? *Resolved* in the affirmative. Contents 32, Not Contents 20: Tellers, L. Wharton, L. North. A proviso offered and read against

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Quakers having offices. After debate, *On Question*, Whether the clause in the Bill shall stand? *Resolved* in the affirmative. A clause was offered to exempt the Quakers from offices. *On Question*, Whether this proviso (*see* Annex (*a*)) shall be part of the Bill? *Resolved* in the negative. Another clause offered, to except Quakers for voting for Members to serve in Parliament (Annex (*a*)). *On Question*, Whether this clause shall be made part of the Bill? *Resolved* in the negative. The preamble and title were read. *Agreed to.* The Bill was reported without any amendment. MS. Min. L. J., XVII. 47. On 26 Feb., after the Third Reading, a rider was offered to be added to the Bill, for the Quakers taking the affirmation in the plantations (Annex (*b*)). *On Question*, Whether the riuer shall be rejected? *Resolved* in the affirmative. Another rider was offered. *On Question*, Whether this Bill shall pass? *Resolved* in the affirmative. Leave to protest. *Ordered* that the Commons have notice that the said Bill is passed without any amendment. MS. Min. L. J., XVII. 48. Royal Assent 2 March *Ib.* 53. 13 & 14 Will. III. c. 4 Fol. Ed.]

Annexed:—

(*a*) 25 Feb. Corrected* Draft of clause as follows:—Provided always that nothing herein contained shall be deemed or taken to extend to [permit or] allow [any Quaker defendant in any Court of Equity to put in his Answer to any Bill of Complaint upon his bare affirmation or to authorize] *qualify* or permit any Quaker to vote for the election of any Member of Parliament [or to excuse any Quaker who shall be elected into any office from taking the usual oaths appointed for the due execution of such office.] *Noted* Rejected. MS. Min. Underwritten is a clause, apparently not moved, as follows:—And be it further enacted that all Quakers shall, on or before the day of , lay before the Lord Chancellor or the Lord Keeper for the time, the books of their yearly, quarterly and monthly meetings, and shall make known unto the said Lord Chancellor or Lord Keeper for the time being all the ordinances, laws, byelaws, canons, rules and constitutions which are made, assented to or constituted by the said Quakers at such their meetings as aforesaid, or any of them, and, if they shall neglect or refuse so to do, that then the [toleration] indulgence allowed by the Act for taking the affirmation of the said Quakers shall be void and of none effect, anything in Act contained or any law, statute or usage to the contrary notwithstanding.

(*b*) 26 Feb. Parchment clause as follows:—And be it enacted by the authority aforesaid that the said affirmation shall be administered to the Quakers in his Majesty's plantations beyond the seas instead of an oath, and the Quakers shall take the said affirmation in all cases wherein their testimony shall be required, or where they are obliged to put in an Answer or Answers to any Bill or Bills in Equity, and in all cases where an oath is usually required. [Offered this day on Third Reading as a rider, and rejected. L. J., XVII. 48.]

1741. 26 Feb. Johnson's Estate Act.—Amended Draft of an Act for vesting several lands in the counties of Surrey and Sussex, the estate of Mary Johnson, wife of William Johnson, Gent., in trustees, to be sold for discharging several mortgages and other debts charged upon

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* Additions in italics, omissions in square brackets.

1701–1702. — No. 1741. the estate of the said William Johnson, and settling his estate upon his said wife and her children by him clear of incumbrances. The Lords, in addition to some drafting amendments, filled in the names of the trustees and the date of the commencement of their trust, and added the clause of partition of the lands held in copartnery by Mary Johnson and her sister. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 25 May 1702. L. J., XVII. 47, 149. 1 Anne c. 84 in Long Cal. *See* Com. Book 18 March.]

Annexed:—

(*a*) 25 Feb. Petition of William Johnson, Gent., and Mary, his wife. Petitioner William, on his marriage with Mary, settled his estate in Surrey and Sussex on himself, with remainder to her for her jointure, and with remainder to their issue, subject to an annuity of 60*l.* to his mother and 800*l.* for portions for his brother and sister. The estate had been previously mortgaged for 1,750*l.* These charges cannot be met without the sale of part of the estate; but, as it lies entire and contiguous, it would be more advantageous to sell his wife's separate estate in those counties, which had been entailed on her and her issue male, to clear the incumbrances and make provision for younger children. Pray leave for a Bill for that purpose. *Signed* by Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 46.

(*b*) 18 March. Paper of amendments made in the Select Committee this day. Com. Book.

(*c*) 18 March. Draft of a clause of partition added to the Bill in the Select Committee this day.

1742. Feb. 26. Jeffreys *v.* Attorney-General and the Commissioners of the Customs.—Petition and Appeal of Sir Jeffrey Jeffreys, Knt. By an Act of Parliament, made in the first year of the reign of King James II., an additional duty of 3*d.* per pound was laid on all tobacco imported from the plantations between June 1685 and June 1693. The importer was to give a bond not to sell or export the tobacco till the duty was paid and to pay the duty himself, if the tobacco remained in his hands for more than eighteen months. The Commissioners of Customs were empowered to make an allowance not exceeding 8*l.* per centum for waste and decay while the tobacco remained in the importer's hands. Appellant, who is a merchant, had imported large quantities of tobacco, most of which was consumed in England. As complaints were made by merchants as to the method of collecting this duty, the Lord Treasurer directed the Commissioners to make an allowance of 4*l.* per centum for waste and decay in all cases. Upon this, Appellant applied to the Commissioners for a larger allowance, but was refused, although his tobacco was generally damaged to the value of 8*l.* per centum or more. By an Act passed during the present reign the allowance for tobacco consumed in England was fixed at 8*l.* per centum and that for exported tobacco at 4*l.* per centum. Appellant paid large sums but never closed his impost accounts. When the Commissioners refused to allow him more than 4*l.* per centum, he brought his Bill in the Exchequer against the Attorney-General and the Commissioners to make up and settle his impost account. The Attorney-General brought his Bill against the Appellant for the same purpose. The Appellant proved that his tobacco was damaged by waste and decay to the extent of 8*l.* per centum or more. But after the Causes had been heard and re-heard, the Barons of the Court decreed that he should have no further allowance than 4*l.* per centum. Appeals

against this Decree. *Signed* by Appellant. *Countersigned* Sam. Dodd, Ja. Mountague. L. J., XVII. 48. [The Cause was heard on 20 April. *Sir Thomas Powys*, for the Appellant: We appeal from a Decree in Exchequer. The law is with us. The Act of Parliament provides for us. *Mr. Dodd*, on the same side: We ought to have eight per centum; four we have received. The question is whether we are precluded by the allowance of four per centum. We are entirely upon the foot of the Act of Parliament. Two clauses read out of the Statute the 9th and 10th paragraphs in the Act of 1 Jac. II. They read depositions as to the decay of the tobacco. *Mr. Solicitor*, for her Majesty: This he ought to have been contented with. This is a case of great consequence. *Mr. Cooper*, for the same: They reckon the tobacco was damaged about seven and nine per centum.; the tobacco [was] sold to retailers in England. Wherever Sir Jeffrey Jeffreys had the allowance and transported, that they say nothing of. This case is as plain as two and two make four. We hope exemplary [costs] will be allowed us. Sir Jeffrey having 6,000 lbs in his hands, which is the true reason of the Appeal. Decree, deposition and the order, made by the application of Sir Jeffrey Jeffreys, read. They read several receipts of Sir Jeffrey, by his servant. *Sir Thomas Powys*: He never did consent to the order of four per centum. We apprehend we have the law on our side. The Appeal was dismissed. MS. Min. L. J., XVII. 104.] 1701–1702. — No. 1742.

Annexed:—

(*a*) 11 March. Joint and several Answer of Edward Northey, Esq., his Majesty's Attorney-General, and Charles Godolphin, Esq., Sir Walter Yonge, Samuel Clarke, Benjamin Overton and Robert Henley, Esq., Commissioners of his Majesty's Customs. The Decree is just and equitable. Appellant was satisfied with the 4*l.* per centum and never applied to the Commissioners to view or inspect his tobacco in order to have any other allowance. The later Act cannot be applied to tobacco imported before that Act passed. Hope the Appeal will be dismissed with costs. *Signed* Edw. Northy, Sam. Clarke, Ben. Overton, Robt. Henley. *Endorsed* as brought in this day.

1743. Feb. 26. Freeholders to keep Arms (Shooting) Bill.—Draft of an Act for the more effectual security of his Majesty's Government and the liberties and properties of his subjects by allowing freeholders and others to keep muskets and exercise themselves in shooting. Whereas upon the late happy Revolution the people of England engaged his present Majesty most justly and gloriously to assert and defend their ancient rights and to free them from popery and slavery, it was thereupon declared in the Bill of Rights to be their ancient and just privileges that such subjects who are Protestants might for their defence have arms suitable to their condition, and as the preservation of our religion and liberties and the succession to the Crown in the Protestant line does chiefly depend upon the fidelity and courage of such persons who, having estates and properties, will be thereby obliged upon all occasions to hazard and expose their lives in defence of the same against all enemies and invaders whatsoever; and whereas, by an Act made in the three and thirtieth year of the reign of King Henry the Eighth, it is enacted that every man, being the King's subject and not therein excepted, shall use and exercise shooting in long bows and also have a bow and arrows ready continually in his house to use himself in shooting, and also that butts for that purpose should be made and maintained in every city, town and place by the inhabitants thereof; and whereas the use of firearms has now rendered the exercise of

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bow and arrows useless; now, to the end that this Kingdom may be restored to its former strength, so as the subjects of this Realm may be enured and exercised in the use of such arms as are at this time of eminent danger so necessary for the defence of this Realm, Be it enacted, etc., that it shall and may be lawful to and for any person or persons, being a natural born subject of this Realm, and who shall take the oaths of allegiance and supremacy, and having or enjoying any lands, tenements, or hereditaments of the clear yearly value of per annum, or having any personal estate of the value of pounds, to keep in his house one musket inches long and of bore, and to use and exercise himself, his sons and men servants, in shooting at a standing mark with a single bullet; Provided nevertheless that nothing herein contained shall be construed or taken to enable any person or persons to go or ride armed, or to bring or use any force in breach or fray of the King's Peace, or to keep or use any musket or any sort of gun, other than is expressed in this Act, or use any gun for the shooting at or destroying any deer, conies, hares, pheasants, partridges or other game, contrary to the Laws and Statutes in such cases made and provided. [Read 1ª this day; 2ª and committed to C. W. H. on 4 March. On 7 March the C. W. H. was put off till the 9th. MS. Min. 10th in L. J. It was again put off to the 10th and then for one month. MS. Min. The Bill was not further proceeded with. L. J., XVII. 48, 55, 57, 60.]

1744. Feb. 26. Stokes *v.* Clarke.—Petition and Appeal of Abjohn Stokes. Mary Ayloffe, a widow, was possessed of the Rectory of Whitchurch, in the county of Southampton, by a lease for three lives from the Hospital of St. Cross. She also possessed various goods, plate, &c. Before marrying Christopher Stokes, senior, she conveyed the said Parsonage to trustees and their heirs during the lives of herself, Jane Brookes and Thomas Brookes, the profits to go to her, and, after her death, to Thomas Brookes, or, if he died first, to her heirs at law. She also conveyed to the trustees her household goods, &c., which, (except the plate), was to go, after her death, to the person entitled to the dwelling-house at Whitchurch. Stokes was a party to the arrangement. Jane Brookes and Thomas Brookes died without issue. Mrs. Mary Stokes died some time afterwards without having renewed the lease, whereupon the Rectory reverted to the Hospital. Afterwards Stokes paid 1,800*l.* for a lease for his own life and his son's and for the life of Francis Stonehouse. But Rebecca Jenkins, Thomas Rainbutt and Susanna, his wife, as heirs-at-law of Mary Stokes, brought a Bill in Chancery to compel Christopher Stokes to transfer to them his new lease and to account for the profits from his wife's death and deliver the household goods. In their Bill they set forth that Stokes ought to have got the old lease renewed, and asked that they might have the benefit of the new one. Stokes answered that his wife would not renew the old lease and that he was entitled to the new one just as much as any other purchaser would be. Christopher Stokes died before the hearing, but the suit was revived against his son, and, on the hearing, the Lord Chancellor declared that the father was excluded from taking a lease for his own benefit and decreed an account of profits since the death of Mary Stokes and also an account of her household goods. He further decreed that after the deduction of the amount paid as a fine, the new lease should be assigned to the Plaintiffs. Christopher Stokes, the son, left his interest in the Rectory to Appellant. The Respondents have revived the proceedings against him as heir and administrator of Christopher Stokes, senior, and

Christopher Stokes, junior. Appeals against the Decree. *Signed* by Appellant. *Countersigned* Wm. Dobyns, Sam. Dodd. L. J., XVII. 48. [The Cause was heard on 26 March 1702. *Mr. Dobyns* and *Mr. Dodd* appeared for the Appellant and *Mr. Cooper* and *Sir Thomas Powys* for the Respondents. The Decree was in part reversed. MS. Min. L. J., XVII. 83.] 1701–1702. — No. 1744.

Annexed:—

(*a*) 13 March. Petition of Respondents asking for further time to put in their Answer. *Signed* by Richard Clarke only. L. J., XVII. 72.

(*b*) 20 March. Answer of Richard Clarke and Susanna, his wife, late Susanna Rainbutt, widow, and Philip Jenkins, son and heir and executor of Rebecca Jenkins and administrator of Jane Brookes. The Decree appealed against is just and equitable. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Ja. Howe. *Endorsed* as brought in this day.

(*c*) 20 March. Petition of Appellant for a short day for the Hearing. *Endorsed* as read this day. L. J., XVII. 77.

1745. Feb. 26. Windowe's Estate Act.—Amended Draft of an Act for settling the estate late of John and Robert Windowe, Gents., deceased, upon trustees, to be sold and the purchase money applied to the uses therein mentioned.

The Lords inserted the names of the trustees and made some other amendments of a drafting nature. There were no amendments in the Commons. [Read 1ª this day. Royal Assent 25 May 1702. L. J., XVII. 48, 149. 1 Anne c. 79 in Long Cal. *See* Com. Book 14 March.]

Annexed:—

(*a*) 17 Feb. Petition of Dorothy Price, widow, and Dorcas Window[e], widow, on the behalf of herself and Dorcas Window, her daughter, an infant of about the age of six years. John Window, Gent., deceased, father of the infant, was seised of part of a messuage, &c., in Avening, Gloucestershire, worth about 140*l.* a year, in tail mail, with remainder to his brother Robert, and of the rest in fee, subject to incumbrances made by their father William. At his death the respective parts of the estate went to his brother and the infant Dorcas, his only daughter and heir, subject to the incumbrances and the dower of Dorcas, the mother. Robert mortgaged his part for 700*l.* and agreed with Dorcas, the mother, and Dorothy Price, his grandmother, that the whole estate should be sold to pay off the incumbrances and that the residue should be divided among them; but he died before this could be done, after devising his share to his grandmother. The debts amount to near 2,000*l.* and swallow up all the profits. Pray leave to bring in a Bill to carry out the agreement and divide the residue between Dorothy Price, Dorcas, the mother, and Dorcas, the infant. *Signed* Dorothy Price, Dorcas Window. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 37.

(*b*) 14 March. Paper of amendments made in the Select Committee this day. Com. Book.

1746. Feb. 28. Tyrrill's Estate Bill.—Draft of an Act to vest the manors of Handslopp [Hanslope] and Castle Thrupp [Castlethorp] and all other the lands of Sir Peter Tyrrill, Bart., and Thomas Tyrrill, Esq.,

1701–1702. — No. 1746. his son, in the parishes of Handslopp and Castle Thrupp, in the county of Bucks., in trustees to sell part thereof for payment of debts and to settle other lands of an equal value in the parishes aforesaid to the same uses. This Draft differs in certain points from the Act* passed later for the same purpose. It does not specify the settled lands mortgaged and to be settled in lieu of lands sold; it does not mention the judgment debts and the schedule thereof; it appoints Sir John Elwes, of Fulham, Middlesex, Knt., Edward Northey, Esq., and Joseph Sherwood, Gent., to be trustees instead of those in the Act, and it leaves out the 50*l.* jointure to Dorothy Tyrrill and the sections relating to fee farm rents and reimbursement of trustees. [Read 1ª this day. Read 2ª and committed 2 March. L. J., XVII. 51, 53. The Select Committee apparently never met. There is a paper which contains two drafting amendments (*see* Annex (*b*)), but there is no entry in Com. Book. There were no further proceedings on the Bill.]

Annexed:—

(*a*) 28 Feb. Petition of Sir Peter Tyrrill, Bart., and Thomas Tyrrill, his son, Esq. On the marriage of Thomas, several lands in Handslopp and Castle Thrupp, Bucks, were settled for jointure and upon the issue of the marriage. Petitioners, having contracted several debts, pray leave to bring in a Bill to vest all their lands in those parishes in trustees to sell part for payment of debts and settle other lands of equal value to the same uses. *Signed* by Petitioners. L. J., XVII. 51.

(*b*) *Undated.* Paper of amendments. They are to substitute the word, Queen, for the word, King. No entry in Com. Book.

1747. Feb. 28. Union with Scotland.—King's Message, under his Sign Manual, earnestly recommending a Treaty of Union during his reign to the consideration of the House. L. J., XVII. 50–51. *In extenso.*

1748. March 2. Writ of Summons (E. Abingdon).—Writ of Summons to Montagu, E. Abingdon. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 53.]

1749. March 2. Commission (Royal Assent).—Commission under the Sign Manual, to the Lord Keeper of the Great Seal, Charles, D. Somerset, L. President, Thomas, E. Pembroke and Montgomery, L. High Admiral, William, D. Devonshire, L. Steward, Charles, E. Carlisle, E. Marshal, Charles, E. Manchester, one of the Secretaries of State, and Edward, E. Jersey, L. Chamberlain, to give the Royal Assent this day to the several Bills. *Dated* this day. L. J., XVII. 52–3 *In extenso. Parchment Collection.*

1750. March 3. Dent *v.* Buck.—Petition and Appeal of Thomas Dent, D.D. Appellant is Vicar of Lenton, Lincolnshire, and Sir William Buck is seised of the manor of Hanby or Hanbeck and of lands called Grange Leas, both in the manor of Lenton. Petitioner was assured by Sir William that there was an ancient modus of 20*s.* payable in discharge of the tithes of Hanbeck, but that some further allowance in money had been given to previous Vicars which he, (Sir William), proposed to continue to Appellant by an agreement. Sir William Buck produced an exemplification under the seal of the Court of King's Bench of a suggestion of a modus of 20*s.* in the time of

* 2 and 3 Anne, c. 50, in Long Cal.

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Queen Elizabeth and of a prohibition to the Ecclesiastical Court where the then Vicar sued for tithes in kind. Appellant, believing this to be a true record, agreed to accept 20*s.* as a modus and Sir William Buck agreed to pay him 11*l.* per annum besides. Appellant lately discovered that the exemplification was a fraud and that there had been a trial at law. He, therefore, brought his Bill in the Exchequer for tithes in kind and to be relieved against the agreement as fraudulent. The Court refused to relieve him against the agreement or to decree him tithes in kind and dismissed his Bill. This dismission was affirmed upon a rehearing. Appeals against the dismission. *Signed* by Appellant. *Countersigned* Sam. Dodd, Fran. Browne. L. J., XVII. 54.

[The Cause was heard on 19 March. *Mr. Cooper*, for the Appellant: Half a record was produced to the Doctor and the other part kept away. This is near forgery. *Mr. Dodd*, for the same: The Doctor tries this for the advantage of those that are to follow. It is proposed by a friend to give the Doctor 11*l.* per annum. The agreement is made and grounded only on the record. They read the agreement. They propose to read the exemplification. *Sir Thomas Powys* heard for the Respondent as to the reading of the terrier to be read. The minutes read as to the reading of it. *Mr. Cooper:* This terrier is proper evidence. *Buller* (sworn) says this parchment was not read: My book says it is a loose parchment. They offer a book of the Vicar of Lavington which was not read below, which is opposed by Sir Thomas Powys This is waived. *Sir Thomas Powys:* The agreement is penned by the Doctor himself. He saw the acquittances as well as the exemplification. He has received and acquitted. They read two or three acquittances in each Vicar's time. They read the verdict in this case. They read as to the method of making this agreement. The Decree is that they cannot relieve him against his own agreement. They read as to the close called Grange Leas. Fortinatus Huett read. The Decree was reversed and the agreement set aside. MS. Min. L. J., XVII. 76.

Annexed:—

(*a*) 9 March. Joint and several Answer of Sir William Buck, Bart., William Walker, *alias* Walcott, Edward Kitchin, Thomas Jervase, John Young, Thomas Shepherd, Jos. Smith, Richard Clifton, John Rawlinson, John Garland, Timothy Lacy, Richard Rastall and John Eagle. Appellant's Bill was, in their opinion, rightly dismissed and they hope the Appeal will be dismissed with costs. *Signed* by Respondents. *Countersigned* Jo. Hawles. *Endorsed* as brought in this day.

(*b*) 24 March. Petition of Appellant. The minutes taken upon the Hearing of the Appeal are, "That the Decree and the "affirmation thereof shall be reversed, and the agreement set "aside"—but therein is omitted, "That the Court of Exchequer should proceed to relieve the Plaintiff." Prays that the minutes may be made accordingly. *Endorsed* as read this day, heard 27 March and these words added to the Judgment of the 19th instant:—"That the Court of Exchequer do proceed to hear "and determine the Cause as to the right of the tithes in "question notwithstanding the said agreement." MS. Min. L. J., XVII. 84.

1751. March 3. Benovad's Naturalization Act.—Amended Draft of an Act for naturalizing Stephen Benovad and others. The amendments made in the Select Committee were to insert in the Bill all

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the names which appear in the Act after that of David Nowett Bennett, and also various other names which were afterwards struck out by the Commons. Com. Book March 21, 25, and April 2. In the Commons certain names were struck out and others inserted. They are set out in C. J., XIII. 902, 904. [Read 1ª this day. Royal Assent 25 May 1702. L. J., XVII. 55, 150. 1 Anne, c. 112 in Long Cal.]

Annexed:—

(*a*) 21 Feb. Petition of Daniel Latanes, a French Protestant refugee. As he was born in France, he cannot serve in the army, unless he is naturalized. Prays to be admitted into the pending Naturalization Bill. *Signed* Daniel Latanés. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 42. Petitioner added to the Bill by the Select Committee on 25 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*s*).

(*b*) 23 Feb. Petition of David Nowit Bennett. He was born at Rochelle, in France, of English parents, but, being a Protestant, was forced thence into this Kingdom, where he has lived for several years, ever showing his zeal to the King's service and the good of England. Prays to be added to the pending Naturalization Bill. *Signed* David Nowit Bennett. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No special entry in L. J. Petitioner is amongst those in the Draft Bill. His Certificate was produced and proved before the Select Committee on 21 March. Com. Book. For Certificate, *see* Annex (*s*). He was naturalized by this Act.

(*c*) 24 Feb. Petition of Frederick de Sibourg, Gent. Has been a soldier for several years beyond the seas and has served his Majesty in his army upon all occasions since 1691. Prays to be inserted into the pending Naturalization Bill. *Signed* Frederick De Sibourg. *Endorsed* as read this day. L. J., XVII. 45. Petitioner's name was included in the Draft Bill. His Certificate was produced and proved before the Select Committee on 21 March. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*s*).

(*d*) 24 Feb. Petition of René Letourneau De Beaumortier, a Protestant, born out of his Majesty's allegiance, who left his country on account of his religion. Is destitute of employment unless naturalized. Prays to be admitted into the pending Naturalization Bill. *Unsigned. Endorsed* as read this day. Petitioner was included in the Order made on the preceding Petition. MS. Min. No special mention in L. J. His name was added to the Bill by the Select Committee on 21 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*s*).

(*e*) 25 Feb. Petition of Daniel Jouneau. Petitioner was only 14 months old when brought over from France. The rest of his parents' family were born in England. Desires to enjoy by naturalization the same happiness as his brothers. Prays to be admitted into the pending Naturalization Bill. *Signed* Daniel Jouneau. *Endorsed* as read this day. Petitioner was included in the Order, made on the preceding Petition. MS. Min. No entry in L. J. His name was added to this Bill by the Select Committee on 21 March when his Certificate was produced and

proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*s*). 1701–1702. No. 1751.

(*f*) 27 Feb. Petition of Gabriel Defrestel and three others. Petitioners have served his Majesty all the late war in Flanders and elsewhere, but, as they were born out of his allegiance, cannot serve any longer unless naturalized. Pray to be admitted into the pending Naturalization Bill. *Signed* Gabriel Defrestel, John Perier, Joseph Coindrieau, Jacob Demillon. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Their names were added to the Bill by the Select Committee on 25 March when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*s*).

(*g*) 27 Feb. Petition of Peter Dupuy and two others. The Petition is identical with the preceding one. *Signed* Peter Dupuy [Depuy in Act], Henry Neutte, F. Gourdon. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Dupuy and Gourdon were added to the Bill by the Select Committee on 21 March, when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (*s*). Neutte does not appear in any of these Naturalization Acts.

(*h*) 28 Feb. Petition of Peter Sergeant and eleven others. It is identical with Annex (*f*). Pray for leave that a Bill may be brought in to pass for their naturalization. *Signed* Peter Sergeant, Charles Perrotte [Perot in Act], Timothy Motteux [Matteux in Act], John Girard, Paull Girard, Stephen Benovad, Seigneuron Augier, Henrick Nortloo, Peter Dupuy, François Gourdon, Elias Bargeau, Lewis Pau, John Gaile. *Endorsed* as read this day. *Ordered* [as desired]. MS. Min. No entry in L. J. Sergeant, Benovad, the Girards, Motteux, Perrotte and Bargeau were in the Draft Bill. The other Petitioners were added to the Bill by the Select Committee. Their Certificates were produced and proved before the Select Committee on 21 and 25 March. Com. Book. All the Petitioners were naturalized by this Act, with the exception of Sergeant, who was struck out by the Commons. C. J., XIII. 902. For some of the Certificates, *see* Annex (*s*).

(*i*) 3 March. Petition of Lewis Vaslet. Petitioner was forced out of his native country on account of his religion. Has lived 16 years in this Kingdom, where he desires to pass the remainder of his days. Prays to be admitted amongst others into the pending Naturalization Bill. *Signed* Lewis Vaslet. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 55. Vaslet was added to the Bill by the Select Committee on 21 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act.

(*k*) 4 March. Petition of John Gaile, a Protestant French Minister. He was born at Nismes, in France. Desires to live the rest of his life in England. Prays to be admitted into the pending Naturalization Bill. *Signed* John Gaile. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 57. Gaile was added to the Bill by the Select Committee on 21 March when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*s*).

(*l*) 7 March. Petition of Charles David Lamecourt and five others. The Petition is identical with Annex (*f*). *Signed*

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Charles David Lamecourt, Cornelavel [Cornelius Delaval, an infant], Isaac Chapéllier, Peter Horry, Gideon Benoist, Gabriel Guichard. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 60. Petitioners were added to the Bill by the Select Committee on 21, 25 March and 2 April, when their Certificates were produced and proved. Com. Book. They were all naturalized by this Act. For some of the Certificates, *see* Annex (*s*).

(*m*) 12 March. Petition of Elias Dupuy. Petitioner was born out of her Majesty's allegiance. He is a Protestant, and left his native country on account of his religion. He cannot do good service to her Majesty unless he is naturalized. Prays to be inserted in the Naturalization Bill now depending. *Signed* Elias Dupuy, junr. *Endorsed* as read this day. MS. Min. Dupuy was added to the Bill by the Select Committee on 25 March, when his Certificate was produced and proved. He was naturalized by this Act.

(*n*) 23 March. Petition of Joshua Poumié and eleven others. Petitioners served his late Majesty all the late war. The Petition is practically identical with Annex (*m*). *Signed* Josué Poumié, Jacobo Constant, John Diserote, Gabriel Joseph Delafon, Isaac Auriol, Josias Laborde, Isaac Charieux, Charles Denié, John Mariette, Francis Verdier, Simon Girbelin [? Gribelin], Jacob Dupuy. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 79. The Petitioners* were added to the Bill by the Select Committee on 25 March and 2 April, when their Certificates were produced and proved. Com. Book. They were all naturalized by this Act with the exception of Verdier and Constant who were struck out by the Commons. C. J., XIII. 902, 904.

(*o*) 25 March 1702. Petition of Reijmier Snep and one other, Hollanders. Petitioners are well affectioned to her present Majesty and have lived many years within the Kingdom. Pray to be admitted into the pending Naturalization Bill. *Signed* Reijmer Snep, Henry de Gols. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Petitioners were added to the Bill by the Select Committee. Their Certificates were produced and proved on 25 March and again on 2 April, as they had not taken the Oaths on the former date. Com. Book. They were naturalized by this Act.

(*p*) 2 April. Paper of amendments made in the Select Committee and ordered to be reported this day. Com. Book March 21, 25, April 2.

(*q*) 2 April. Paper, marked A, for insertion in preceding paper, containing the names, &c., of Snep, de Gols, Fuekert, King and le Feure, who were added to the Bill by the Select Committee this day. Com. Book.

(*r*) 2 April. Paper, marked B, for insertion in (*p*) above, containing the names, &c., of Cornelius Delaval, an infant, to Steuen Leimbach inclusive, appearing in the Act, together with those of Jacob Constant, son of Jacob Constant by Catherine his wife, born at Gamache, in Picardie, France, and Lewis Vinié, son of Lewis Vinié by Mary, his wife, born at Paris, France, who were all added to the Bill by the Select Committee this day. Com.

* Isaac Charieux does not appear to have produced his Certificate.

Book. The two last-named were struck out by the Commons. (This paper also contains expunged entries of the names, &c., of Abell Langelier and Taneguy le févre, the latter of whom was also added to the Bill this day as "le Feure," (*see* preceding paper), while the former was added by the Commons as "Abel" Langelier.)

(*s*) $\frac{21 \text{ March}}{2 \text{ April}}$. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz.:—

(1) Stephen Benovad, on 1 March 1701–2, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, Isaac Godfrey, Churchwarden. *Dated* eod. die. *Attested* by John Girard and Paul Girard.

(2) [John Girard.]

(3) [Paul Girard.]

(4) Timothy Motteux [Mateux in Act]. *Attested* by Seigneuron Augier and Charles Perrotte. Rest as in (1).

(5) Charles Perrotte [Perot in Act]. *Attested* by Timothy Motteux and Seigneuron Augier. Rest as in (1).

(6) Elias Bargeau. *Attested* by Henry Neutte and James Thomas. Rest as in (1).

(7) James Thomas. *Attested* by Henry Neutte and Elias Bargeau. Rest as in (1).

(8) Daniel Moreau. *Attested* by Daniel Gamele [Gamel] and John Masson. Rest as in (1).

(9) [Thomas Le Heup.]

(10) [Peter Bezard.]

(11) [Frederick de Sibourg.]

(12) Peter Deucros [Ducros in Act], on 22 Feb. 1701–2. *Attested* by Francis Beteilhe and Peter Triquet. Rest as in (1).

(13) Peter Renouard. *Attested* by Henry Neutte and Henry Dessy. Rest as in (1).

(14) Andrew Vimielle [Vimiell in Act], on 8 March 1701–2. *Attested* by Charles Portales and John James Laborde. Rest as in (1).

(15) [Peter Sergeant*.]

(16) Matthew Poumies [Poumier in Act]. *Attested* by Peter Sergeant and Isaac La Salle. Rest as in (1).

(17) David Nowet Bennet [Nowett Bennett in Act], on 22 Feb. 1701–2. *Attested* by James Philip Moreau and Lewis Grolleau, who does not sign. Rest as in (1).

(18) John Gaile. *Signed* Ro. Grisedale, Minister, Willm. Webb, Churchwarden. *Attested* by Philip Rose, Lewis Pau and Jacob Acere. Rest as in (1).

(19) Lewis Pau. *Attested* by Philip Rose, John Gaile and Jacob Acere. Rest as in (1).

(20) [Lewis Vaslet.]

(21) [Henry Smith.]

(22) Réné Letourneau De Beaumortier. *Attested* by Daniel Pellissier and Francis Rybort. Rest as in (1).

(23) Benjamin Jouxon [*alias* de Joux in Act], on 15 March 1701–2. *Attested* by Isaac Desbordes, Paul Farjoux and Matthew Gelieu. Rest as in (1).

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(24) [Samuel Esteve*.]

(25) Jacob Acere. *Attested* by John Gaile and Lewis Pau. Rest as in (1).

(26) Francis Gourdon. *Attested* by Stephen Jouneau and Peter Dupuy. Rest as in (1).

(27) Peter Dupuy [Depuy in Act]. *Attested* by Francis Gourdon and Stephen Jouneau. Rest as (1).

(28) Stephen Jouneau. *Attested* by Francis Gourdon and Peter Dupuy. Rest as in (1).

(29) [John Glenison.]

(30) Marck Antony Vaissire Valogne [Marck Antony Valogne in Act]. *Attested* by Peter de Gualy and Stephen Degulhon. Rest as in (1).

(31) Henry Dessy. *Attested* by Henry Viet and Henry Neutte. Rest as in (1).

(32) [Charles Portalhes.]

(33) Peter Triquet [Tiquet in Act], on 22 Feb. 1701–2. *Attested* by Peter Ducros and Francis Beteilhe. Rest as in (1).

(34) Francis Beteilhe [Beteillie in Act], on 22 Feb. 1701–2. *Attested* by Peter Ducros and Peter Triquet. Rest as in (1).

(35) Daniel Faurestier [Fourester in Act], on 22 Feb. 1701–2. *Attested* by Peter Mason and Thomas Le Heup. Rest as in (1).

(36) Stephen Gendron. *Attested* by Lewis Vaslet and Stephen Riou. Rest as in (1).

(37) Isaiah Renaudet [Renoudet in Act], on 15 March 1701–2. *Attested* by Andrew Vimielle and Charles Portales. Rest as in (1).

(38) Daniel Pelletreau [Peltreau in Act], on 8 March 1701–2. *Attested* by Peter Parquot and Paul Girard. Rest as in (1).

(39) Réné Jaquet. *Attested* by John Perier and John Ratie. Rest as in (1).

(40) Gabriel de la Haye, on 22 Feb. 1701–2. *Attested* by Peter Daniel and James Texier. Rest as in (1).

(41) James Philip Moreau*, on 22 Feb. 1701–2. *Attested* by David Nowet Bennett and John François Mousset. Rest as in (1).

(42) Daniel Jouneau, on 22 Feb. 1701–2. *Attested* by John Boulaire de l'amirandelle and Gabriel Laporte. Rest as in (1).

(43) [John René Giberne*.]

(44) Theophile Sorbier. *Attested* by Benjamin de Malide and James Le Roy. Rest as in (1).

(45) Benjamin Malide. *Attested* by Theophile Sorbier and James Le Roy. Rest as in (1).

(46) Zacharia Butaud [Bulaud in Act]. *Attested* by Daniel Pellissier and John René Giberne. Rest as in (1).

(47) Francis Joly [Jolly in Act] de Ternac. *Attested* by Benjamin de Malide and James Le Roy. Rest as in (1).

(48) Francis Ribor [Ribot in Act]. *Attested* by Francis Joly de Ternac and Daniel Pellissier [Pelisher in Act]. Rest as in (1).

(49) [Daniel Pelisher.]

(50) John Pavillard. *Attested* by Timothy Motteux and Charles Perrotte. Rest as in (1).

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* Struck out by the Commons. C. J., XIII., 902.

(51) Paul Doux Saint [Douxsaint in Act]. *Attested* by Joseph Coindreau and James Brown. Rest as in (1).

(52) Robert Asmont [Osmont in Act], on 8 March 1701–2. *Attested* by Daniel Garnier and Daniel Pelletreau. Rest as in (1).

(53) Daniel Garniere [Garnier in Act], on 8 March 1701–2. *Attested* by Robert Osmont and Daniel Pelletreau. Rest as in (1).

(54) James Brown [Browne in Act]. *Attested* by Paul Doux Saint and Joseph Coindreau. Rest as in (1).

(55) [John Masson.]

(56 and 57) Honorat Superiori [*alias* Smith in Act] and John Bucaille, on 15 March 1701–2, at the Parish Church of Allhallows, Barking. *Signed* John Gaskarth, Minister, Stephen Slade, Churchwarden. *Dated* eod. die. *Attested* by Thomas Hall.

(58) Michael Réau, junior, on 15 March 1701–2. *Attested* by Michael Réau, senior, and Gabriel Réau. Rest as in (1).

(59) Gabriel Réau, on 15 March 1701–2. *Attested* by Michael Réau, senior, and Michael Réau, junior. Rest as in (1).

(60) John Lavie, on 8 March 1701–2. *Attested* by Gabriel Guichard, Charles Portales and John Montaud. Rest as in (1).

(61) Garard Smith, on 8 March 1701–2. *Attested* by Henry Bustin and Gossewinnus Smith. Rest as in (1).

(62) Henry Bustin, on 8 March 1701–2. *Attested* by Gerrard Smith and Gossewinnus Smith. Rest as in (1).

(63) John Montaud, on 8 March 1701–2. *Attested* by Charles Portales, John James Laborde and John Lavie. Rest as in (1).

(64) [Jacob Laige.]

(65) Isaac Desbordes, on 15 March 1701–2. *Attested* by Paul Fanjoux, Matthew Gelieu and Ben Jouxson. Rest as in (1).

(66) [Paul Fanjoux.]

(67) Matthew Gelieu [Geldieu in Act], on 15 March 1701–2. *Attested* by Paul Fanjoux, Isaac Desbordes and Ben. Jouxson. Rest as in (1).

(68) Jacob Beaune, on 8 March 1701–2. *Attested* by Paul Girard and John James Laborde. Rest as in (1).

(69) Oliver Rapiat Labrosse [la Brose in Act], on 8 March 1701–2. *Attested* by Jacob Liege and Francis Olivier. Rest as in (1).

(70) Christopher Zobel, on 8 March 1701–2. *Attested* by Gideon Benoist, Gabriel Guichard and John Lavie. Res as in (1).

(71) Peter Horry, on 8 March 1701–2. *Attested* by Paul Girard and Peter Deschamps. Rest as in (1).

(72) Abraham Torin, on 8 March 1701–2. *Attested* by Charles David Lamecour and James Brunyer. Rest as in (1).

(73) Peter Landreau, on 22 Feb. 1701–2. *Attested* by Peter Mason and Peter Bezard. Rest as in (1).

(74) Peter Mason [Masson in Act], on 22 Feb. 1701–2. *Attested* by Daniel Faurestier and Thomas Leheup. Rest as in (1).

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(75) Gabriel de la Primanday [Delaprimanday in Act], on 22 Feb. 1701–2. *Attested* by Guy Tinguy and David Pain. Rest as in (1).

(76) James Texier, on 22 Feb. 1701–2. *Attested* by Peter Daniel and Gabriel Delahaye. Rest as in (1).

(77) Stephen Brigaud, on 22 Feb. 1701–2. *Attested* by James Texier and Peter Daniel. Rest as in (1).

(78) James le Roy [Le Roye in Act]. *Attested* by Benjamin de Malide and Theophile Sorbier. Rest as in (1).

(79) Isaac Laselle [Lasalle in Act]. *Attested* by Matthew Poumis and Peter Sergeant. Rest as in (1).

(80) [Abraham Meure.]

(81) Gasswines Smith, on 8 March 1701–2. *Attested* by Henri Bustin and Garrard Smith. Rest as in (1).

(82) James Galine, on 22 Feb. 1701–2. *Attested* by Peter Pineau and David Bonnet. Rest as in (1).

(83) David Bonnet [Bonnett in Act], on 22 Feb. 1701–2. *Attested* by Peter Pineau and James Galine, by his mark. Rest as in (1).

(84) Peter de Galy [Gally in Act]. *Attested* by Benjamin de Malide and James le Roy. Rest as in (1).

(85) Gabriel Gichard [Guichard in Act], on 8 March 1701–2. *Attested* by Gideon Benoist and Charles Portales. Rest as in (1).

[The numbers in brackets refer to the number endorsed on each certificate. Nos. (1)–(17) were in the Bill as originally brought in. The remainder were added by the Select Committee.

Fifty-five more names are inserted in the Act after No. (85) above, for which the Certificates are missing. The names of these persons are given in Com. Book on 21 and 25 March and 2 April, on which days their Certificates were produced and proved.]

The following are the Certificates of the various individuals added by the Commons. C. J. XIII., 902–904. One Certificate, that of Abel Langelier, is missing :—

Certificate that James Ball from Gadebush, in the Duchy of Mecklenburg, on 12 April 1702, received the Sacrament according to the usage of the Protestant Church, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* 13 April. *Attested* by Caspar Hellmundt and John Philipp Schlachtman.

Garrett John Nijs, son of John Nijs and Johanna, his wife, born at Zutphen, in Guilderland, on 5 April 1702, at the Parish Church of Kensington. *Signed* Chr. Sill, officiating for the Minister, Wm. Munden, Churchwarden. *Dated* 8 April. *Attested* by Charles King and James Lovett, of the Parish of St. Margaret's Westminster.

Francis Limbock [Limborch in Act], on 19 April 1702. *Signed* Ro. Grisedale, Minister, Willm. Webb, Churchwarden. *Attested* by Paul Margarett and Thomas Ridley. *Dated* eod. die. Rest as in (1).

Philip Guibert, on 5 April 1702, at the French Church in the Savoy. *Signed* Tho. Satur, Minister, Henry Gay, Churchwarden. *Dated* eod. die. *Attested* by John Cagnard and Bernard Guibert.

Nicholas James le Tavernier, on 12 April 1702. *Attested* by Francis Voillaud and Thomas Ridley. Rest as in (1).

Peter Chaigneau, on 5 April 1702. *Signed* Ro. Grisedale, Minister, Isa. Godfrey, Churchwarden. *Attested* by Robert Le Platrier and Matthias Chaigneau. Rest as in (1).

Matthias Chaigneau, on 5 April 1702. *Signed* Ro. Grisedale, Minister, Isa. Godfrey, Churchwarden. *Attested* by Robert Le Platrier and Peter Chaigneau. Rest as in (1).

Charles Timothy Baignoux, on 12 April 1702. *Attested* by John Espinasse de Fouvive, Elias Negre and Lewis Galabin. Rest as in (1).

Henry Boyer, on 26 April 1702. *Attested* by John Lafage and Jeremiah Crowther. Rest as in (18).

James De Foyssac [De Foyssat in Act], on 19 April 1702. *Attested* by Anthony Garrissen and Gaspard Lanalue. Rest as in (18).

Gaspard Lanalue, [la Nalve in Act]. *Attested* by Anthony Garrison and James Defoyssac. Rest as in (18).

Lewis Gallabin [Galabin in Act], on 12 April 1702. *Attested* by Isaac Deprepetit and Lewis Peron, by his mark. Rest as in (1).

Amateur Bouhereau [Bouchereau in Act], on 15 Feb. 1701–2. *Attested* by Anthony Caillon and David de Montalieu St. Hypolite. Rest as in (1).

Samuel Ravenel, on 5 April 1702, at the French Church in the Savoy. *Signed* Thomas Satur, Minister, Lewis Delafaye, Churchwarden. *Dated* eod. die. *Attested* by Luke Doudart Trevigar and Lewis Delafaye of St. Martin's-in-the-Fields.

Christopher De Schmettau, on 3 May 1702, at the Parish Church of St. James within the Liberty of Westminster. *Signed* James Matthews, Curate, Tho. Causey, Churchwarden. *Dated* eod. die. *Attested* by Thomas Maney and John Swaine.

Jacob Vincent, on 29 March 1702. *Signed* Ro. Grisedale, Minister, Isa. Godfrey, Churchwarden. *Attested* by Taneguy Le Févre and Abraham Magny. Rest as in (6).

Abraham de Magny, on 29 March 1702. *Attested* by Jacob Vincent and Taneguy Le Févre. Rest as in (1).

1752. March 4. Thomson's Estate (Parkbury manor) Bill.—Amended Draft of an Act for the sale of the manor or reputed manor of Parkbury and other lands and hereditaments, in the county of Hertford, and for applying the moneys arising by the sale thereof to the uses hereby directed. Recites a settlement in 1680 by Sir William Thomson, of London, Knt., since deceased, of the manor and mansion house of Parke, *alias* Parkbury, Herts., including two farms, one occupied by Mary Hill, widow of William Hill, and the other by Hannah Hill, at rents of 117*l.* and 205*l.* respectively, in tail male on himself for life, with remainders to his eldest son Samuel, now Sir Samuel, and the sons of the latter, viz., William, Samuel, Robert, George, since deceased without issue, and Thomas and their issue male successively, with remainder to the right of Sir William Thomson. William, the grandson, has issue Samuel, about the age of 13 years, his first son and heir. Sir Samuel and his son William have sold their interests in the said two farms to Joshua Lomax, of St. Alban's, Herts., Esq., for raising portions for younger children and payment of debts. The rest of the estate settled is worth 1,100*l.* a year. As the infant cannot get so liberal an allowance and education as is fit, it would be of advantage to him to have 3,000*l.* raised by the sale of the said two farms and invested in lands to be entailed upon him in present possession, to which Lomax

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and the other persons interested have agreed, provided that Lomax gets 3,000*l.* of the purchase money and that the remainder is divided among Sir Samuel's surviving brothers. For this purpose the Bill vests the two farms in Joseph Thomson, Dormer Sheppard and Samuel Read, of London, merchants, as trustees, to sell them and dispose of the purchase money as agreed, placing Samuel's 3,000*l.*, pending the purchase of lands to be entailed on him and his heirs male with remainder to his brothers, out at interest in the orphans' fund or otherwise, the interest to be applied to his maintenance and education till the age of 21, or, if he die sooner, to those of his next brother; and after the purchase the rents are to be applied in the same way. The trustees are only to be chargeable for their own individual acts and only in case of wilful default. Then follows the usual general saving clause. The amendments were merely of a drafting nature. [Read 1ª this day. The Bill was passed and sent to the Commons on 26 March. L. J., XVII. 56, 82. *See* Com. Book 21 and 24 March. In the Commons it was dropped after a First Reading. C. J., XIII. 838.]

Annexed:—

(*a*) 3 March. Petition of Sir Samuel Thomson, Knt., William Thomson, his son and heir apparent, and Samuel, Robert and Thomas, sons of the said Sir Samuel. The Petition recites the settlement of 1680, the sale of the manor with its appurtenances, worth about 320*l.* per annum to Lomax for the lives of Sir Samuel and William Thomson, the want of a proper provision for the infant son of the latter and the arrangement agreed to, all as set out in the Bill above, and pray leave to bring in a Bill to vest the premises in trustees to be sold for the purposes stated in the Bill. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. L J., XVI. 55.

(*b*) 24 March. Paper of amendments made in the Select Committee this day. Com. Book.

1753. March 4. Barnewell's Estate Act.—Amended Draft of an Act for the enabling Abraham Barnewell to make a more ample settlement of his estate for the benefit of his family and to [charge]* *sell* part thereof for raising portions for his younger children in his lifetime, and for payment of his debts. The Lords, in Select Committee, in addition to some drafting and clerical amendments, inserted the date for the commencement of the Act and the names of the trustees. The Commons made a clerical amendment and left out the word, charge, in the title and inserted the word, sell, C. J., XIII. 862, 874. [Read 1ª this day. Royal Assent 25 May 1702. L. J., XVII. 56, 149. 1 Anne c. 77 in Long Cal. On 28 March, in the Select Committee, *Thomas Tidman* said the whole copyhold estate may be worth about 1,500*l.* Com. Book.]

Annexed:—

(*a*) 3 March. Petition of Abraham Barnewell and Mary, his wife. On his marriage Barnewell settled an estate in Leicestershire on himself and his wife and their heirs male, chargeable after their deaths with portions for younger children, for the better securing whereof he surrendered a copyhold estate to trustees as collateral security, being not then in possession of the settled estate, as his mother was then living and had a jointure

* Omission in square brackets; addition in italics.

therein. Having contracted debts for raising his sisters' portions and for other purposes, and wishing to give his wife a jointure and charge his estate with the raising his children's portions during his life, prays leave to bring in a Bill for these purposes. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 55.

(*b*) 28 March. Consent of Samuel Brewster to the Bill, the provisions of which it recites. He believes the Bill is for the benefit of Barnewell and his family. *Dated* 7 March. *Signed* S. Brewster. *Attested* by Thomas Tidman and Jermyn Rose. [Produced this day before the Select Committee Com. Book.]

(*c*) 28 March. Paper of amendments made in the Select Committee this day. Com. Book.

1754. March 6. Hatton Garden Chapel (Weedon's) Bill.—Draft of a Bill for finishing the chapel in Hatton Garden. Whereas for several years last past there has been a stately shell or outside building erected and intended for a church in a very commodious place on the east side of Hatton Street, in the parish of St. Andrew's, Holborn, in the county of Middlesex, which said building was and is intended for a church for celebration of Divine Worship according to the usage of the Church of England, the parish church of St. Andrew's aforesaid being of late become too little to receive and accommodate all the inhabitants of the said parish by reason of the great increase of houses erected upon new foundations upon improved grounds within the said parish; and whereas the said building still remains useless in regard that nothing has ever been done to the inside of the said building in order to fit and accommodate the same for the celebration of Divine Worship; and whereas by an Act [3 Will. & Mary, c. 6, in Long Cal.] the said building or intended church, together with two pieces of ground intended and set apart for burying places to the said intended church with their appurtenances are vested in Simon, Lord Bishop of Ely and his successors for ever; and whereas Cavendish Weedon [Weeden], of Lincoln's Inn, Esq., has besought the said Bishop to give him leave to finish the said building and fit the said chapel for Divine Worship, and also from time to time to provide orthodox and able ministers to read the Common Prayer and to preach there every Lord's Day, both forenoon and afternoon, and also to read prayers there twice on every day in the week throughout the year; and whereas the said Bishop is very desirous to promote the service of God and to encourage the said Cavendish Weedon in his good intentions, and for that, upon a just computation had of the charge of finishing the said chapel, the same will amount to above 1,000*l.* whereof the said Mr. Weedon has undertaken the expense, desiring for so doing to be made secure of the right of patronage and donation of the said chapel and premises, whereunto the said Bishop has consented, it is enacted that it shall and may be lawful to and for the Lord Bishop of Ely to grant unto the said Cavendish Weedon, his heirs and assigns, the said chapel, ground and premises thereunto belonging, together with the free donation and sole power and privilege of providing orthodox clergymen to read prayers and to preach and administer the Blessed Sacraments therein according to the usage of the Church of England; and it is hereby declared that such lease or leases of the premises shall be good and conclusive of the present Lord Bishop of Ely and his successors, Bishops of the said See of Ely. [Read 1ª this day. There do not appear to have been any further proceedings. L. J., XVII. 59.]

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—
No. 1754.

Annexed :—

(*a*) 4 March. Petition of Cavendish Weeden, Esq., setting forth the circumstances detailed in the Bill above, and the arrangement made with the Bishop. Petitioner is advised that the lease offered by the Bishop will not be binding on his successors without a further Act of Parliament. Prays leave to bring in a Bill for corroborating the patronage and donation of the chapel. *Signed* Caven. Weeden. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 57.

1755. March 7. Commission (Royal Assent).—Commission, under the Sign Manual, to the L. Keeper of the Great Seal, Charles, D. Somerset, L. President, William, D. Devon., L. Steward, Robert, E. Lindsey, L. Great Chamberlain, Charles, E. Carlisle, Earl Marshal, Thomas, E. Pembroke and Montgomery, L. High Admiral, Edward, E. Jersey, L. Chamberlain, and Charles, E. Manchester, one of the Principal Secretaries of State, to give the Royal Assent this day to several Bills. *Dated* this day. L. J., XVII. 61. *In extenso. Parchment Collection.*

APPENDIX.

THE JOURNAL OF THE PROTECTORATE HOUSE OF LORDS, FROM THE ORIGINAL MS. IN THE POSSESSION OF LADY TANGYE, OF COOMBE BANK, KINGSTON-ON-THAMES.

JOURNALS OF THE HOUSE OF LORDS.

FROM THE 20TH OF JANUARY 1657 TO THE 22ND OF APRIL 1659.

THE FORME of the WRITT of SUMONS.

OLIVER Lord Protector of the Comonwealth of England Scotland and Ireland and the Dominions and territoryes therewith belonging To Our trusty and *wel** beloved sonne *Lord* Richard Cromwell Greeting whereas by the advise and assent of Our Councell for certaine great and weighty affaires concerning Us, the State and Defence of the said Comonwealth. We ordained Our prsent Parliamt to be held at Our City of Westmr, the 17th Day of September in the yeare of Our Lord one thousand six hundred Fifty and six and there to consult and aduise wth the Knights Citizens and burgesses of Our said Comonwealth, wch Parliamt was then and there held and Continued vntill the six and twentieth Day of June last past and then adjourned vntill the xxth Day of January now next coming THEREFORE we Comaund and firmely enioyne you that Considering the difficulty of the said affaires and eminent Dangers all excuses being set aside you be psonally present at Westmr aforesaid the said twentieth Day of January next Coming, there to treat Conferre and giue yor advise with Us and with the Great men and Nobles in and concerning the affaires aforesaid—and this as you loue Or honor and safety and the Defence of the Comonwealth aforesaid you shall in no wise omitt Witnes orselfe at Westmr the nineth Day of December in the yeare of Our Lord one thousand six hundred Fifty and seven. The like writts were directed to the severall persons following vizt

Lord Henry Cromwell Deputy of Ireland
Nathaniel Fiennes one of the Lords Comrs of the Great Seale
John Lisle one of the Lords Comrs of the Great Seale
Henry Laurence Presidt of ye Privy Councell
Charles Fleetwood Lewt Genll of ye Army
Robert Earle of Warwick
Edward Earle of Manchester

* Insertions or what appear to be insertions in the original MS. are printed in italics. Omissions are shown in square brackets. A few obvious omissions in the original MS. have been inserted. They are printed in small capitals within brackets.

Edmond Earle of Mulgraue
Dauid Earle of Cassills
Wm Lord Visct Say and Seale
Tho Lord Falconberge
Charles Lord Visct Howard
Phillip Lo: Visct Lisle
Sr Gibt Pickering barronet
Chambten of his Highnes houshold
George Lord Evers
Phillip Lord Wharton
Roger Lord Broghill
William Pierrepoint esqr
John Lo. Cleypole Mr of the Horse to his Highnes
Sr Bulstrode Whitelocke one of ye Lords Comrs of ye Trẽary
John Disbrow one of ye Genlls of the Fleet
Edward Montagu on of ye Generalls of ye Fleet and one of the Lords Comrs of ye Trẽary.
George Monck Comaunder in cheife of ye forces in Scotland
John Glynne cheife Justice assigned to hold pleas before his Highnes in the Vpper bench
Wm Lenthall Mr of ye Rolls in Chauncery
Oliver St John cheife Justice of ye Court of Comon pleas
Wm Steele Chancellor of Ireland
Sr Charles Wolseley barronet
Wm Sidenham one of ye Lords Comrs of the Trẽary
Phillip Skippon esqr
Walter Strickland esqr
Francis Rous esqr
Phillip Jones esqr Comptroller of his Highnes Houshold
John Fiennes esqr
Sr John Hobart barrt
Sr Gilbt Gerrard barrt
Sr Arthur Heselrigge bart
Sr Francis Russel bart
Sr Wm Strickland kt and bart
Sr Rich. Onslow kt
Edward Whalley Comry Genll of ye horse
Alexander Popham esqr
John Crew esqr
Sr Wm Lockhart kt
Rich. Hampden esqr
Sr Tho. Honiwood kt
Sr Wm Roberts kt
Sr Archibald Johnston of Warreston
Rich. Ingoldsby esqr
Sr Chr. Pack kt
Sr Ro. Tichburn
John Jones esqr
Sr Tho. Pride
Sr Jo. Barkstead kt Lewt of t[HE] Tower of London
Sr Geo Fleet[WOOD]
Sr Mathew Tomlinson kt
Sr John Hewson kt
Edmond Thomas esqr
James Berry esqr
Wm Goffe esqr
Thomas Co[OPER]

The Names of such Lords as haue Delivered in their Writts of Sum̃ons to this present Parliam^t^

insert ye names of the persons sworne.

The Parliament begun and held at Westm^r^ the 17th Day of September 1657 being adjourned by Act of Parliam^t^ vntill this present xxth Day of January 1657, His Highness the Lord Protector having according to the Humble addiconall and explanatory Petic̃on and Advice caused Writts of Sum̃ons to be yssued to diverse hono^ble^ Persons to Sitt in this House, retornable this Day, about nine of the Clock in the Morning there came into the Little roome within the Painted Chamber, the Lord Comissione^r^ Fyennes and the Lord Com^r^ Lisle, Lords Comissione^rs^ of the Great Seale, the Lord President of his Highnes Councell, Gen^ll^ John Disbrowe, Phillip Jones esq^r^ Comptroller of his Highnes Household and Sir Bulstrode Whitelock k^t^ Constable of the Castle of Windsor and one of the Lords Com^rs^ of his Highnes Treasury vnto whom (w^th^ others) a Com̃ission vnder the Great Seale was Directed authorizing them or any three or more of them to administer to the persons called to sitt in this house the Oath Directed by the said humble addiconall and explanatory Petic̃on and Advise. W^ch^ Com̃ission being read by the Clerke of the Com̃onwealth in Chauncery the said Oath was first taken by the Lord Com̃issioner Fyennes ; the Lord Com^r^ Lisle, and the Lord President of his highnes Councell and then adminstred by them vnto the rest of the Commissioners present and afterwards was taken in their presence by

The Lord Richard Cromwell
Charles Fleetwood Leiv^t^ Generall of the Army
Tho. Lord Faulconberge
Charles Lo. Visc^t^ Howard
Phillip Lo. Visc^t^ Lisle
George Lord Evre
Roger Lord Broghill
John Lord Cleypole M^r^ of the Horse to his Highnes
Edward Montagu One of the Generalls of y^e^ Fleet and one of the Lords Comission^rs^ of the Treasury
John Glynne Cheife Justice assigned to hold Pleas before his Highnes in y^e^ vpper Bench
W^m^ Lenthall M^r^ of y^e^ Rolles
S^r^ Charles Wolseley bar^t^
W^m^ Sydenham one of y^e^ Lords Com^rs^ of y^e^ Tr̃eary
Phillip Skippon esq^r^
Walter Strickland esq^r^
John Fyennes esq^r^
S^r^ John Hobart bar^t^
S^r^ Fran: Russell bar^t^
S^r^ W^m^ Strickland k^t^ and bar^t^
S^r^ Rich. Onslow k^t^
Edward Whalley Com^ry^ of the Horse
Richard Hampden esq^r^
S^r^ Tho: Honywood k^t^

S^r^ W^m^ Roberts k^t^
Rich. Ingoldsby esq^r^
S^r^ Chr̃. Pack k^t^
S^r^ Rob Tichburne k^t^
John Jones esq^r^
S^r^ Thomas Pride k^t^
S^r^ John Barkstead k^t^ Leiv^t^ of y^e^ Tower of London
S^r^ Geo: Fleetwood k^t^
S^r^ John Hewson k^t^
Edmon Thomas esq^r^
William Goffe esq^r^
Thomas Cooper esq^r^

The Tenor of the Comission for administring the Oath aforesaid was as followeth

Here insert it.

Wednesday the 20^th^ of January 1657

His Highnes the Lord Protector

The names of the Lords present this day

Lord Richard [Lord] Cromwell
Nathaniel Lord Fyennes one of the Lord Com^rs^ of the Great Seale
John Lord Lisle one of the Lords Com^rs^ of the Great Seale
Henry Lord Lawrence President of his Highnes Councell
Charles Lord Fleetwood Leiv^t^ Generall of the Army
Thomas Lord Faulconberge
Charles Lo. Visc^t^ Howard
Phillip Lo. Visc^t^ Lisle
George Lord Evre
Roger Lord Broghill
John Lord Cleypole M^r^ of the Horse to his Highnes
Bulstrode Lord Whitelock one of the Lords Com^rs^ of the Treasury
John Lord Disbrow one of the Generalls of the Fleet
Edward Lord Montagu one of y^e^ Generalls of the Fleet and one of y^e^ Lords Com^rs^ of the Treasury
John Lord Glynne Cheife Justice of the vpper bench
William Lord Lenthall Master of the Rolles
Charles Lord Wolseley
W^m^ Lord Sydenham one of the Lords Com^rs^ of y^e^ Trẽary
Phillip Lord Skippon
Walter Lord Strickland
Phillip Lord Jones Comptroller of his Highnes Household
John Lord Fyennes
John Lord Hobart
Francis Lord Russell
William Lord Strickland
Richard Lord Onslow
Edward Lord Whalley Comissary Generall of the Horse

Richard Lord Hampden
Thomas Lord Honywood
William Lord Roberts
Richard Lord Ingoldesby
Christopher Lord Pack
Robert Lord Tichburne
John Lord Jones
Thomas Lord Pride
John Lord Barkstead Leiv^{t} of the Tower of London
George Lord Fleetwood
John Lord Hewson
Edmond Lord Thomas
William Lord Goffe
Thomas Lord Cooper

His Highnes being set in his Chayre of State and the Lords sitting in their places, the Howse of Coñons were sent for; and being come with their Speaker to the Barre His Highnes spake to them to this effect.

Here enter the Speach.

Then the Lord Com^{r} Fyennes standing by the [Chair of] State on the right hand made a Speach to the effect following.

here ent^{r} y^{e} speach

Which being ended the Coñons wth their Speaker retorned vnto their house and his Highnes Departed

Ordered That all the Members of this House who haue not this Day delivered in their Writts of Suñons Doe bring them into the house tomorrow or as soone as they may to the end an entry of them may be made by the Clerke and then the same to be retorned.

The Lord Com^{r} Fyennes by direcc̃on of the house declared this present Parliam^{t} to be continued till to morrow nine of the Clock in the morning.

Thursday the 21th of January 1657.

Present

Lord Richard [Lord] Cromwell
Nathaniel Lord Fyennes one of the Lords Com^{rs} of the Great Seale
John Lord Lisle one of y^{e} Lords Com^{rs} of y^{e} Great Seale
Henry Lord Lawrence Lord Presid^{t} of the Councell
Charles Lord Fleetwood Leiv^{t} Gen^{ll} of the Army
Thomas Lord Faulconberge
Charles Lo. Visc^{t} Howard
Phillip Lord Visc^{t} Lisle
George Lord Eure
Roger Lord Broghill
John Lord Cleypole M^{r} of the Horse to his Highnes
Bulstrode Lord Whitelock one of the Lords Com^{rs} of the Treãry

John Lord Disbrowe one of the Generalls of the Fleete
Edward Lord Montagu One of the Generalls of the Fleet and one of the Lords Com^rs of the Treary
John Lord Glynne Cheife Justice of the Vpper bench
William Lord Lenthall M^r of the Rolles
Charles Lord Wolseley
W^m Lord Sydenham One of the Lords Com^rs of y^e Treary
Phillip Lord Skippon
Walter Lord Strickland
Phillip Lord Jones Comptroller of his Highnes Household
John Lord Fyennes
John Lord Hobart
Francis Lord Russell
William Lord Strickland
Richard Lord Onslow
Edward Lord Whalley Com^ry Generall of the Horse
Richard Lord Hampden
Thomas Lord Honywood
William Lord Roberts
Richard Lord Ingoldsby
Chr. Lord Pack
Robert Lord Tichburne
John Lord Jones
Thomas Lord Pride
John Lord Barkstead Leiv^t of the Tower of London
George Lord Fleetwood
John Lord Hewson
Edmond Lord Thomas
William Lord Goffe
Thomas Lord Cooper

This Day James Lord Berry having taken the Oath in the roome within the painted Chamber in p^rsence of Henry Lord Lawrence Lord Presid^t of the Councell John Lord Disbrowe Bulstrode Lord Whitelock and Phillip Lord Jones fower of the Com^rs came in to the house and tooke his place next to Joh. Lord Hewson on the bench in the second Rowe on the Left hand.

Mr John Rowe Preacher of Westm^r prayed in the house

The Lord Com^r Fyennes tocke his place as Speaker and moved the house to appoint one or more Ministers to pray in the house every Day of sitting.

Ordered That M^r Hooke, M^r Howe, M^r Lockyer, M^r Peters, M^r Sterry, and M^r Rowe, of Westm^r be Desired to pray in this house every Day in their turnes.

Ordered That Wednesday next be appointed to be kept by this house as a Day of Fasting and humiliation

Ordered That D^r Reynolds, M^r Caryll and M^r How be Desired to assist in Carrying on the worke of the Day of Fasting and humiliation in this house on Wednesday next.

The Question being put whither any more Minister^s shalbe added it passed in the negatiue.

Ordered that the Day of Fasting and humiliation on Wednesday next be kept in this house.

Ordered That the Gentleman Usher Doe giue notice to the severall Ministers who are to assist on the day of Fasting and humiliation on Wednesday next

The Names of the Lords Coñittees for the Priuiledges of the House.

Lord Richard [Lord] Cromwell
John Lord Lisle
Henry Lord Lawrence
Charles Lord Fleetwood
Lord Faulconberge
Lord Viscᵗ Lisle
Lord Evre
Lord Broghill
Lord Cleypoole
Lord Whitelock
Lord Disbrowe
Lord Glynne
Lord Lenthall
Lord Wolseley
Lord Onslow, These Lords or any fiue or more of them are to meet to-morrow at three of the Clock in the afternoone in the Chamber on the Left side of the house and when else they please.
Mʳ Justice Hales
Mʳ Justice Windham } to assist
Mʳ Justice Newdegate

The Names of the Lords Comittees for Petiĉons

Lord Richard [Lord] Cromwell
Lord Presidᵗ of yᵉ Councell
Lord Viscount Howard
John Lord Disbrowe
Lord Montagu
Lord Glynne Cheife Justice
Lord Wolseley
Lord Sydenham
Lord Skippon
Walter Lord Strickland
Phillip Lord Jones
John Lord Fyennes
Lord Hobart
William Lord Strickland
Lord Hampden
Lord Roberts
Lord Ingoldsby
Lord Pack
Lord Tichburne
Lord Pride
Lord Hewson
Lord Berry
Lord Goffe
Lord Cooper, These Lords or any fiue or more of them are to haue the same powers that formerly Coñittees for Peticons had and are to meet to morrow in the afternoone at three of the Clock in the Roome next the house on the Right hand
Mʳ Baron Parker
Mʳ Justice Newdegate } to assist
Mʳ Baron Hill

ORDERED That the Comittee for Priviledges Doe appoint a Sub Com^tee from time to time to pvse the entryes in the Journalls of this house and see the same be rightly entred.

The humble Peticon of Nicholas Corsellis of London Merchant was this Day read together with a Certifficate therevnto annexed

To the Right Hono^ble the Lords in Parliament assembled

The humble Peticon of Nicholas Corsellis of London Merchant

Most humbly sheweth

That your Lopps Peticoner being a Native of this Comon-wealth did about thirty yeares since Marry Susan Baldey Daughter of Peter Baldey of Leyden in the Netherlands by whom he hath had divers Children borne in London, and your peticoner hath ever since lived in this Comonwealth and beene faithfull thereunto, and beene imployed in seuerall Publique seruices wherein he hath indeauoured to approve himselfe in all faithfulnes.

Your Lopps Peticoner doth humbly pray your Lopps fauour that a Bill may be admitted for Naturalizing your Peticoners said Wife who is a Protestant

And your Peticoner and his wife and children shall (as in duty bound) ever pray for your Lopps.

Nicholas Corsellis.

These are humbly to certify That Susanna Balde wife of Mr Nicolas Corselis is a true Protestant, and member of our Dutch Congregacon in London, and doth duely frequent the administracon of Gods holy word and Sacraments in the same and leadeth an Exemplary life answerable to that holy Profession Witnes in London this 19^th of January 1657. Stylo Angliae.

Cesar Cahudrin
Minister.

ORDERED That the Peticoner haue leaue to present a Bill to this house for the Naturalizucon of his wife.

The Lord Com^r Fyennes by direction of the house Declared this present Parliam^t to be Continued till to morrow nine of the Clock in the morning.

FRIDAY 22 JANUARY 1657.

Present

pñt *Lord* Richard [Lord] Cromwell
pñt Nathaniel Lord Fyennes one of the Lords Com^rs of the great Seale
pñt John Lord Lisle one of the Lords Com^rs of the Great Seale
pñt Henry Lord Laurence President of his Highnesse Councell
Charles Lord Fleetwood Lieu^t Gŕal of the Army
pñt Thomas Lord Faulconberge
pñt Charles Lord Vicount Howarde
pñt Phillip Lord Viscount Lisle
pñt George Lord Evre
pñt Roger Lord Broghill
pñt John Lord Cleypole M^r of the horse to his Highnesse
pñt Bulstrode Lord Whitelock one of the Lords Com^rs of the Treary.

pñt John Lord Disbrough [one of the Generalls of the Fleet and one of the Lords Com^rs of the Trẽãry]
Edward Lord Mountag
pñt John Lord Glynne Chiefe Justice of the Vpper Bench
pñt Willm̃ Lord Lenthall M^r of the Rolls
pñt Charles Lord Wolseley
pñt Willm̃ Lord Sydenham one of the *Lords* Com^rs of the Trẽãry
pñt Phillip Lord Skippon
pñt Walter Lord Strickland
pñt Phillip Lord Jones Comptroller of his Highnes household
pñt John Lord Fyennes
pñt John Lord Hobart
pñt Francis Lord Russell
pñt Willm̃ Lord Strickland
pñt Richard Lord Onslow
pñt Edward Lord Whalley Com^ry Gẽral of the horse
pñt Richard Lord Hampden
pñt Thomas Lord Honywood
pñt Willm̃ Lord Roberts
pr Richard Lord Ingoldsby
pñt Chr̃. Lord Pack
pñt Robt Lord Titchburne
pñt John Lord Jones
pñt Thomas Lord Pride
pñt John Lord Barkstead Lieu^t of the Tower of London
pr̃ George Lord Fleetwood
pñt John Lord Hewson
pñt Edmond Lord Thomas
pñt Willm̃ Lord Goffe
pñt Thomas Lord Cooper

M^r Peters prayed in the house

Ordered That it be referred to some of the Lords the Judges to prepare a Bill for making intailed lands liable to the paym^t of Debts with such iust and necessary limitacons and puisions as shalbe thought fitt

M^r Justice Hales
M^r Justice Windham } to prepare this Bill
M^r Justice Newdegate

An Act for the better levying the Penaltyes for profanation of the Lords Day was this Day read the first time and ordered to be read the second time on Tuesday next.

It was moved and seconded that there may be a day of publique Fasting and humiliac̃on throughout the three Nations and therevppon a vote passed vppon the Question

That this house doth Desire the House of Com̃ons to ioyne with them in an humble addresse to his Highnes the Lord Protecto^r that his Highnes will be pleased to appoint a Day of Solemne Fasting and humiliation throughout the three Ñations.

M^r Justice Windham and M^r Baron Hill were sent to the house of Com̃ons with this Message

The house was adjourned for halfe an hower.

The house was resumed.

The Lord Com^r Fyennes by direc̃on of the house Declared that this p^rsent Parliam^t is Continued till to morrow nine of the Clock in the morning.

SATURDAY 23 JANUARY 1657.

The names of the Lords Prsent this Day.

pr *Lord* Richard [Lord] Cromwell
pr Nathaniel Lord Fyennes one of the Lords Comrs of the Great Seale
pr John Lord Lisle one of the Lords Comrs of the Great Seale
pñt Henry Lord Laurence Lord President of the Councell
Charles Lord Fleetewood Lieut Gral of the Army
Thomas Lord Faulconberge
Charles Lord Viscount Howard
Phillip Lord Viscount Lisle
pnt George Lord Evre
pñt Roger Lord Broghill
pñt John Lord Cleypoole Mr of the horse to his Highnes
pnt Bulstrode Lord Whitelock one of the Lords Comrs of the Treary
pnt John Lord Disbrough one of the Grals of the Fleete
pnt *Edward Lord Montague one of ye grals of the* Fleete and one of the Lords Comissioners of the Treary
John Lord Glynn Chiefe Justice of the Vpper Bench
pñt Willm Lord Lenthall Mr of the Rolles
pnt Charles Lord Wolseley
Willm Lord Sydenham one of the Lords Comrs of the Treary
pñt *Phillip Lord Skippon*
Walter Lord Strickland
Phillip Lord Jones
pnt John Lord Fyennes
pnt John Lord Hobart
pnt Francis Lord Russell
pnt [Phillip Lord Skippon]
pnt Wm Lord Strickland
pñt Richard Lord Onlow
pnt Edward Lord Whalley Comissary Gral of ye horse
pñt Richard Lord Hampden
pñt Thomas Lord Honywood
Willm Lord Roberts
pñt Richard Lord Ingoldsby
pñt Chr. Lord Pack
pñt Robt Lord Titchburne
pñt John Lord Jones
Thomas Lord Pride
pnt John Lord Barkstead Lieutenñt of the tower
pnt George Lord Fleetewood
pnt John Lord Hewson
pnt Edmond Lord Thomas
pnt Willm Lord Goffe
pñt James Lord Berry
Thomas Lord Cooper

Mr Hooke prayed

Mr Justice Wyndham and Mr Baron Hill who were yesterday sent with a Message to the house of Comons report that according to the Comaunds of this house they did yesterday waite on the house of Comons and sent in by the Srt to acquaint the Speaker they had a Message from the Lords and after abovt an howers attendance being

called in they did acquaint that house w^th^ the Message and then retired and after some stay were called in againe and received this Answere That that house would send an Answere by Messengers of their owne.

The house being acquainted that the Com̃ittee for priuiledges did not meet yesterday and so are sine die, it was moved that they may haue another Day appointed and then be enioyned to meete.

ORDERED that the Lord Whalley, Phillip Lord Jones and the Lord Barkstead be added to the Com̃ittee for priuiledges

ORDERED That the Com̃ittee for priuiledges Doe meet in the same place on Tuesday next at three of the Clock in the afternoone

ORDERED that the Com̃ittee for priuiledges Doe at their next meeting pervse the Rolle of Orders of this House w^ch^ was vsually read at the begining of every Parliam^t^ and prepare these Orders to be brought in and read on Thursday morning next

The Lord Com^r^ Fyennes by Direc℆on of the house Declared this P^r^sent Parliam^t^ to be Continued vntill Munday morning next at nine of the Clock.

ex^d^ so far

Munday 25 January 25^th^ 1657.

The names of the Lords p^r^sent this day.

p̃nt *Lord* Richard [Lord] Cromwell
p̃nt Nathaniel Lord Fyennes one of the Lords Com^rs^ of the great Seale
p̃nt John Lord Lisle one of the Lords Com^rs^ of the great Seale
p̃nt Henry Lord Laurence President of his Highnes Councell
Charles Lord Fleetewood Lieu^t^ Gr̃al of the Army
p̃nt Thomas Lord Faulconberge
Charles Lord Viscount Howard
p̃nt Philip Lord Viscount Lisle
p̃nt George Lord Evre
p̃nt Roger Lord Broghill
pnt John Lord Cleypoole M^r^ of the horse to his Highnes
p̃nt Bulstrode Lord Whitelock one of the Lords Com^rs^ of the Tr̃eary
John Lord Disbrow one of the Generalls of the Fleet
p̃nt Edward Lord Montagu one of the Gr̃als of the Fleete and one of the Lords Com^rs^ of the Tr̃eary
John Lord Glynn Chiefe Justice of the Vpper bench
p̃nt Willm̃ Lord Lenthall M^r^ of the Rolles
Charles Lord Wolseley
Willm̃ Lord Sydenham one of the Lords Com^rs^ of the Tr̃eary
p̃nt Phillip Lord Skippon
p̃nt Walter Lord Strickland
p̃nt Phillip Lord Jones Comptroller of his Highnes Household
p̃nt John Lord Fyennes
p̃nt John Lord Hobart

pñt Francis Lord Russell
pñt Willm̃ Lord Strickland
pñt Richard Lord Onslow
Edward Lord Whalley Coñissary Gr̃al of the horse
Richard Lord Hampden
pñt Thomas Lord Honywood
pñt Willm̃ Lord Roberts
pñt Richard Lord Ingoldesby
pñt Chr̃. Lord Pack
pñt Robt Lord Titchburne
pñt John Lord Jones
pñt Thomas Lord Pride
John Lord Barkstead Lieutenñt of the Tower of London
pñt George Lord Fleetewood
John Lord Hewson
pñt Edmond Lord Thomas
pñt James Lord Berry
pñt Willm̃ Lord Lord Goffe
pñt Thomas Lord Cooper

Mr Lockyer prayd

Ordered in respect of the busines of the Terme that the attendance of the Lords the Judges in this house be Dispensed with During the Terme vnles they shalbe sent for by this house

The Lord Comr Fyennes acquaints the house that his Lopp hath received a Lr̃e from his Highnes the Lord Protector to be Coñunicated to the house wch Letter was read being Directed thus.

To Our Right Trusty and Right welbeloued the Lord Fyennes Comr of the Great Seale and Speaker of in Our House of Lords to be Coñunicated to the House these.

Right Trusty and Welbeloued, We greet you well, We having some busines of great importance relating to the pr̃sent Peace and safety of these Nations to coñunicate to both Howses of Parliamt, Doe for that end Desire the Howse of Lords to giue Vs a meeting at the Banquetting Howse at Whitehall at three of the Clock this afternoone and so we rest

Yor loving Freind
OLIVER P.

25th of January
1657.

Ordered That the Lords Doe attend his Highnes in the Banquetting house [at] in Whitehall at three of the Clock this afternoone.

An Act for naturalizing Susanna Baldé wife of Nicholas Corsellis of London Merchant was this Day read the first time and ordered to be read the second time on Thursday next

The Lord Comr Fyennes by direction of the house adjourned the House to the Banquetting house at Whitehall at three of the Clock this afternoone and so from thence to this place to morrow at nine of the Clock in the morning.

This Day the house mett about three of the Clock in the afternoone [at] in the Banquetting house at Whitehall where the house of Coñons with their Speaker were present, and his Highnes coñing thither attended by the Officers of State addressed his Speach to both

Houses [in these words] *w^ch being ended his Highnes withdrew and both houses Departed*

[Here insert ye Speach]

Tuesday the 26th of January 1657.

p^rsnt *Lord* Richard [Lord] Cromwell
pñt Nathaniel Lord Fyennes one of y^e Lords Com^rs of the Great Seale
pñt John Lord Lisle one of the Lords Com^rs of y^e Great Seale
pñt Hen. Lord Lawrence Presid^t of his Highnes Councell
[pñt] Charles Lord Fleetwood Leiv^t Gen^ll of the Army
pñt Tho. Lord Faulconberge
pñt Charles Lo. Visc^t Howard
pñt Phillip Lord Visc^t Lisle
pñt George Lord Evre
pñt Roger Lord Broghill
pñt John Lord Cleypole M^r of the horse to his Highnes
pñt Bulstrode Lord Whitelock one of y^e Lords Com^rs of y^e Trẽary
pñt John Lord Disbrowe one of y^e Gen^lls of the Fleet
pñt Edward Lo. Montagu one of y^e Gen^lls of y^e Fleet and one of y^e Lords Com^rs of the Treary
John Lord Glynne Cheife Justice of the Vpper Bench
pñt William Lord Lenthall M^r of the Rolles
pñt Charles Lord Wolseley
W^m Lo. Sydenham one of y^e Lords Com^rs of y^e Trẽary
pñt Phillip Lord Skippon
pñt Walter Lord Strickland
pñt Phillip Lord Jones Comptroller of his Highnes Household
pnt John Lord Fyennes
pñt John Lord Hobart
pñt Francis Lord Russell
pñt Willm Lord Strickland
pñt Richard Lord Onslow
pnt Edward Lord Whalley Com^ry Gẽral of the horse
pñt Richard Lord Hampden
pñt Thomas Lord Honywood
pñt Willm̃ Lord Roberts
pnt Richard Lord Ingoldsby
pñt Chr̃. Lord Pack
pñt Robt Lord Titchburne
John Lord Jones
pñt Thomas Lord Pride
pñt John Lord Barkstead Lieutenñt of the tower of London
pr̃nt George Lord Fleetwood
pñt John Lord Hewson
pnt Edmond Lord Thomas
pñt James Lord Berry
pñt Willm̃ Lord Goffe
pñt Thomas Lord Cooper

M^r Sterry prayed in the House

The Lord Fyennes excuseth the absence of the M^rs^ of the Chauncery in respect of the busines of the Terme

An Act for the better levying the penalties for profanation of the Lords Day was this Day read the second time and severall excepc̃ons taken therevnto and vppon the Question Com̃itted to

Lord Lisle one of the Lords Com^rs^ for the Greate seale
Lord Presid^t^ of the Councell
Charles Lord Fleetwood
Lo. Faulconberge
Lo. Visc^t^ Lisle
Lo. Disbrowe
Lo. Montagu
Lord Lenthall
Lord Skippon
Phillip Lord Jones
John Lord Fyennes
Lord Hobart
Wm Lo. Strickland
Lord Onslow
Lord Whalley
Lo. Hampden
Lo. Titchburne
Lo. Barkstead
Geo. Lord Fleetwood
Lord Hewson
Lord Goffe or any four of them and are to meete this afternoone in the roome called the Princes lodgings at three of the Clock.

M^r^ Justice Hales
M^r^ Justice Atkins } to be assisting
M^r^ Baron Hill

Ordered That the same Com̃ittee Doe take into Consideracc̃on the Lawes against swearing and Drunkennes and to bring in a Bill to supply the Defects in these Lawes and for the better execuc̃on of them.

A moc̃on was made that a day may be appointed for calling y^e^ house

The Question being put whither a Question be put at this time for calling the howse and it being doubtfull which way it was carried [Generall] *the Lord* Disbrow and [Gen^ll^] *y^e^ Lord* Montagu were named to count the Votes and vppon the Pole it was found to be with the affirmatiue and vppon Question it was

Ordered That a Day be appointed for calling the house

Ordered That Tuesday next be appointed for calling the house

That the Repo^r^t of his Highnes Speach yesterday to both howses be made on Thursday next

The Lord Com^r^ Fyennes by direcc̃on of the howse Declared this p^r^sent Parliam^t^ to be Continued till to morrow morning nine of the Clock.

Wednesday 27^th^ of January 1657.

pr *Lord* Richard [Lord] Cromwell
pr Nath^ll^ Lord Fyennes one of y^e^ Lords Com^rs^ of the Great Seale
pr John Lord Lisle one of y^e^ Lords Com^rs^ of the Great Seale
pr Hen. Lord Lawrence Presid^t^ of his Highnes Privy Councell
pr Charles Lord Fleetwood Lew^t^ Generall of the Army

pr Tho. Lord Falconberge
Charles Lo. Viscᵗ Howard
pr Phillip Lord Viscᵗ Lisle
pr George Lord Evre
pr Roger Lord Broghill
pr John Lord Cleypole Mʳ of the Horse to his Highnes
pr Bulstrode Lo. Whitelock one of the Lords Comʳˢ of yᵉ Trēary
pr John Lord Disbrowe one of yᵉ Genˡˡˢ of the Fleet
pr Edward Lo. Montagu one of yᵉ Genˡˡˢ of the Fleet and one of yᵉ Lords Comʳˢ of the Treary
pr John Lord Glynne cheife Justice of yᵉ Vpper bench
pr William Lord Lenthall Mʳ of the Rolles
pr Charles Lord Wolseley
Wᵐ Lo. Sydenham one of yᵉ Lords Comʳˢ of yᵉ Treary
pr Phillip Lord Skippon
pr Walter Lord Strickland
pr Philiip Lord Jones Comptroller of his Highnes houshold
pr John Lord Fyennes
pr John Lord Hobart
Francis Lord Russell
pr William Lord Strickland
pr Richard Lord Onslow
pr Edward Lord Whalley Comʳʸ Genˡˡ of the Horse
pr Richard Lord Hampden
pr Thomas Lord Honiwood
pr William Lord Roberts
pr Richard Lord Ingoldsby
pr Chʳ. Lord Pack
pr Robt Lord Tichburne
pr John Lord Jones
pr Thomas Lord Pride
John Lord Barkstead Leivᵗ of yᵉ Tower of London
pr George Lord Fleetwood
pr John Lord Hewson
pr Edmond Lord Thom
pr James Lord Berry
pr William Lord Goffe
pr Thomas Lord Cooper

This Day the Lords kept the Fast in the house Dʳ Reynolds and Mʳ Howe prayed and preached and Mʳ Caryll concluded the Day with prayer

Ordered That the thankes of this house be returned to Dr Reynolds for his great paines in helping to carry on the worke of this Day of Fasting and humiliation *in this house* and that he be desired to print his sermon and he is therein to enioy the vsuall pʳviledge.

Ordered That the thanks of this house be retorned to Mʳ Howe for his great paines in carrying on the worke of this Day of Fasting and humiliation in this house and that he be Desired to print his sermon and he is therein to enioy the vsuall priuiledge.

Ordered That the thankes of this house be retorned to Mʳ Caryll for his great paines in carrying on the worke of this Day of Fasting and humiliation in this house

The Lord Comʳ Fyennes declared by direccon of this house this pʳsent Parliamᵗ to be Continued vntill nine of the Clock to morrow morning.

[Wednesday] *Thursday* 28 of January 1657.

p^rsnt *Lord* Richard [Lord] Cromwell
p̃nt Nathaniel Lord Fyennes one of the Lords Com^rs of the Great Seale
p̃nt John Lord Lisle one of y^e Lords Com^rs of the Great Seale
p̃nt Henry Lord Laurence P^rsident of his Highnes Priuy Councell
p̃nt Charles Lord Fleetewood Leu^t G̃ral of the Army
p̃nt Tho. Lord Faulconberge
p̃nt Charles Lord Viscount Howard
Philip Lord Viscount Lisle
p̃nt George Lord Evre
p̃nt Roger Lord Broghill
p̃nt John Lord Cleypoole M^r of the horse to his Highnes
p̃nt Bulstrode Lord Whitelock one of the Lords Com^rs of the Treãry
p̃nt John Lord Disbrowe one of y^e Grãls of the Fleete
p̃nt Edward Lord Montagu one of y^e Generalls of the Fleet and one of the Lords Com^rs of the Treãry
John Lord Glynn Lord Chiefe Justice of the Vpper bench
W^m Lord Lenthall M^r of the Rolles
p̃nt Charles Lord Wolseley
W^m Lord Sydenham one of the Lords Com^rs of the Treãry
p̃nt Phillip Lord Skippon
p̃nt Walter Lord Strickland
p̃nt Philip Lord Jones Comptroll of his Highnes Household
p̃nt John Lord Fyennes
John Lord Hobart
p̃nt Francis Lord Russell
p̃nt Willm̃ Lord Strickland
p̃nt Richard Lord Onslow
p̃nt Edward Lord Whalley Com^ry gral of the Horse
p̃nt Richard Lord Hampden
p̃nt Thomas Lord Honiwood
p̃nt Willm̃ Lord Roberts
p̃nt Richard Lord Ingoldsby
p̃nt Chr̃. Lord Pack
p̃nt Robt Lord Titchburne
p̃nt John Lord Jones
p̃nt Thomas Lord Pride
John Lord Berkstead Lieu^t of the Tower of London
p̃nt George Lord Fleetwood
p̃nt John Lord Hewson
p̃nt Edmond Lord Thomas
pr James Lord Berry
p̃nt Willm̃ Lord Goffe
pnt Thomas Lord Cooper

M^r Row of Westminster prayed in the House.

The Lord Com^r Fyennes being in the Speakers place reported to the House the substance of the Speach Deliu̇ed by his Highnes [to both Houses] at Whitehall on Monday last in the afternoone *to both houses* being to the effect following.

Here insert it.

Ordered that the Consideracon of this Report be taken vpp tp morrow morning.

An Act for naturalizing Susanna Baldé wife of Nicholas Corsellis of London Merchant was this Day read the second time and vppon the Question Comitted to

Lo. Faulconberge	Lord Roberts
Lo. Evre	Lord Tichburne
Lo. Broghill	John Lord Jones
Lo. Whitelock	Lord Pride
Lo. Skippon	Lord Thomas
Walter Lo. Strickl.	Lord Berry
Phillip Lo. Jones	Lord Goffe
Lo Honiwood	

Those Lords or any fiue or more of them are to meete on Tuesday next at three of the Clock in the afternoone in the Lord keeprs lodgings.

Ordered That the Comittees for Peticons Doe meet this afternoone at three of the Clock in the place formerly appointed.

The Lord Comr Fyennes Declared by direccon of the Lords this present Parliamt to be Continued vntill to morrow morning nine of the Clock.

FRIDAY the 29th of JANUARY 1657.

pr *Lord* Richard [Lo] Cromwell
pr Nathaniell L. Fyennes one of ye Lo. Comrs of ye Great Seale
pr John Lord Lisle one of the Lords Comrs of ye Great Seale
Henry Lo. Lawrence &c.
Charles Lo. Fleetwood &c.
pr Tho. Lo. Faulconberge
Char. lo. Visct Howard
pr Phillip Lo. Visct Lisle
pr Geo. Lord Evre
pr Roger Lord Broghill
pr John Lord Cleypole &c.
pr Bul. Lord Whitelock
pr John Lord Disbrowe
pr Ed. Lo. Montagu
Jo. Lord Glyn
pr Wm Lord Lenthall
pr Charles Lord Wolseley
Wm Lord Sydenham
pr Phillip Lo. Skippon
pr Walter Lo. Strickland
pr Phillip Lo. Jones
pr John Lord Fyennes
pr John Lord Hobart
pr Francis Lo. Russell
pr Wm Lo. Strickland
pr Rich. Lord Onslow
pr Ed. Lord Whalley
pr Rich. Lord Hampden
pr Tho. Lord Honywood
pr Wm Lo. Roberts.
pr Rich. Lord Ingoldesby

pr Chr̃. Lord Pack
pr Robert Lord Tichburne
pr John Lord Jones
pr Thomas Lord Pride
John Lord Barkstead &c.
pr Geo. Lord Fleetwood.
pr John Lord Hewson
pr Edmond Lord Thomas
pr James Lord Berry
pr Wm Lord Goffe
pr Tho. Lord Cooper

Mr Hooke prayed in ye house

Ordered That the Debate vppon the Reportt of his Highnes speach to both howses on Monday last be adjourned vntill Tuesday next.

These Lords are added to the Com̃ittee for the bill for the better levying the penalties for profanation of the Lords Day Vizt.

Lo. Pack
Lo. Broghill
Lo. Russell
Lo. Honiwood
Lo. Thomas
Lo. Berry
Lo. Cooper

Ordered that this Comtee Doe meet at three of the Clock this afternoone in the place formerly appointed

Ordered That the Comtee for priuiledges Doe meet this afternoone at three of the Clock in the place formerly appointed.

The Lord Comr Fyennes by direcc̃on of the house Declared this prsent Parliamt to be Continued vntill to morrow nine of the Clock in the morning.

Saturday the 30th of January 1657.

pñt *Lord* Richard [Lord] Cromwell
pnt Lord Comr Fyennes
pnt Lord Comr Lisle
pnt Lord Presidt
pnt Lord Fleetwood
pñt Lord Faulconberge
pñt Lord Visct Howard
pñt Lord Visct Lisle
Lord Evre
pnt Lord Broghill
Lord Cleypole
Lord Whitelock
pñt Lord Disbrowe
pñt Lord Montagu
Lord Glynne
pñt Lord Lenthall
pñt Lord Wolseley
Lord Sydenham
pñt Lord Skippon
pñt Walter Lo. Strickland
pñt Phillip L. Jones
pñt John Lord Fiennes
Lord Hobart
Lord Russell
pñt Wm Lord Strickland
Lord Onslow
pñt Edward Lord Whalley
Lord Hampden
pñt Lord Honywood
Lord Roberts
pnt Lord Ingoldesby
pñt Lord Pack
pñt Lord Tichburne
John Lord Jones
pñt Lord Pride
Lo. Barkstead
pñt Geo. Lo. Fleetwood
pñt Lo. Hewson
pñt Lord Thomas
pñt Lo. Berry
pnt L. Goffe
pñt Lo. Cooper

Mr How prayed this day.

The Lord Comr Fiennes by direcc̃on of the house declared this prsent Parliamt to be Continued till Monday morning at nine of the Clock.

MONDAY the 1st of FEBRUARY 1657.

Present

pr *Lord* Richard [Lord] Cromwell
pr Nath. Lo. Fiennes one the Lords Comrs of ye Great Seale
pr Lord Comr Lisle
pr Lord President of His Highnes priuy Councell
Lord Fleetwood
Lord Faulconberge
pr Lord V. Howard
pr Lo. Visct Lisle
Lo. Evre
Lo. Broghill
pr Lo. Cleypole
Lo. Whitelock
Lo. Disbrowe
pr Lo. Montagu
Lo. Glynne
pr Lo. Lenthall
Lo. Wolseley
Lord Sidenham
Lord Skippon
pr Walter Lo. Strickland
pr Phillip Lo. Jones
pr John Lo. Fiennes
pr Lo. Hobart
pr Lo. Russell
pr Wm Lo. Strickland
pr Lo. Onslow
pr Ed. Lo Whalley
Lo. Hampden
pr Lo. Honywood
Lo. Roberts
Lo. Ingoldsby
pr Lo. Pack
pr Lo. Tichburne
pr John Lo. Jones
pr Lo. Pride
Lo. Barkstead
pr Geo. Lo. Fleetwood
Lo. Hewson
Lo. Thomas
pr Lo. Berry
Lo. Goffe
Lo. Cooper

Mr Lockyer prayed.

The Lord Comr Fyennes by direction of the house declared this prsent Parliamt to be Continued vntill to morrow morning nine of the Clock.

TUESDAY 2 FEBR. 1657.

Present

Lord Richard [Lord] Cromwell
Nathaniel Lord Fyennes
John Lord Lysle
Henry Lord Laurence Ld President of His Highness Priuy Councell
Thomas Lord Faulconberg
Charles Ld. Viscount Howard
Philip Lord Viscount Lisle
John Lord Cleypoole
Bulstrod Lord Whitelock
John Lord Disbrow
Edward Lord Montague
Edward Lord Whalley
Richard Lord Hampden
Thomas Lord Honywood
Willm̃ Lord Roberts
Richard Lord Ingoldsby
Chr̃. Lord Pack
Robt. Lord Titchburne
John Lord Jones
Thomas Lord Pride
[John Lord Berkstead]
George Lord Fleetwood
John Lord Hewson
Edmond Lord Thomas

John Lord Glynne
Willm̃ Lord Lenthall
Charles Lord Wolseley
Philip Lord Skippon
Walter Lord Strickland
Phillip Lord Jones
John Lord Fynnes
John Lord Hobart
Francis Lord Russell
Willm̃ Lord Strickland
Richard Lord Onslow
James Lord Berry
Willm̃ Lord Goffe
Thomas Lord Cooper
[Roger Lord Broghill]

Mr Sterry prayed in the house this Day.

The house was this Day called in the order in wch they are retorned vnder the hand of the Clerke of the Pettibagge begining wth the first and so in order, every Lord that was present as his name was called, rising vpp vncouered, Excuses were made for these seuerall Members as followeth

Lord Henry Cromwell by reason of [the] *his* Charge in Ireland.
Charles Lord Fleetwood Leivt Generall of the Army being Comaunded to attend his Highnes.
George Lord Evre being lame.
George Lord Monck by reason of his charge in Scotland
Oliver Lord St. John Cheife Justice of the Cort of Coñon pleas by reason of the busines of the Terme.
Wm Lord Steele Chancellor of Ireland by reason of his service there.
Wm Lord Sydenham being lame.
Francis Lord Rous being lame
Gilbert Lord Gerard by reason of prsent indisposic̃on of health.
Wm Lord Lockhart. Ambassador in France
Alexander Lord Wareston being sick
John Lord Barkstead by reason of his prsent infirmity of body
Mathew Lord Thomlinson being detained by sickness.

These Lords came in after the house was called and were excused vizt.

Lord Broghill
Phillip Lord Joues
Lord Ingoldsby

These Lords following being called Did not appeare nor any excuse made for them vizt

Earle of Warwick
Earle of Manchester
Earle of Mulgraue
Earle of Cassills
Lord Visct Say and Seale
Gilbert Lord Pickering
Phillip Lord Wharton
William Lord Pierrepont
Arthur Lo. Heselrigge
Alexander Lo. Popham
John Lord Crew

Ordered That the Lords of this house who haue made default this Day be required at a Certaine Day to attend this service of this house

The Question being propounded

That the Lords of this house who haue this Day made default be required on this Day three weeks to giue their attendance on the service of this house and the Question being put that that Question be now put, it being doubtfull, vppon counting the Votes by the Lord Montagu and Lord Lenthall it was resolued in the affirmatiue and the maine Question being put it was

'Resolued That the Lords of this house who haue this day made Default be required on this Day three weeks to giue their attendance on the service of this house

The Question being put that there be a further addiĉõn to the last Vote it passed in the negatiue.

The Lord Comr Fyennes Declared by direcĉõn of the house this prsent Parliamt to be Continued vntill to morrow morning nine of the Clock.

WEDNESDAY 3 FEBRUAR. 1657.

Present

pñt *Lord* Richard [Lord] Cromwell
pr Nathaniel Lord Fyennes
pr John Lord Lisle
prsent Lord President of his Highnes Priuy Councell
Lord Fleetwood
Lord Faulconberg
pñt Lord Viscount Howard
pnt Lord Viscount Lisle
Lord Evre
Lord Broghill
pñt Lord Cleypoole
Lord Whitelock
pñt Lord Disbrow
pñt Lord Montagu
Lord Glynn
pñt Lord Lenthall
pñt Lord Wolseley
Lord Sydenham
pñt Lord Skippon
pñt Walter Lord Strickland
pñt Philip Lord Jones
pñt John Lord Fyennes
pñt Lord Hobart
pñt Lord Russell
pr Wm Lord Strickland
pnt Lord Onslow
pr Lord Whalley
Rich. Lo. Hampden
pr Lord Honywood
pñt Lord Roberts
pñt Lord Ingoldsby
pñt Lord Pack
pr Lord Titchburne
pnt John Lord Jones
pñt Lord Pride
Lord Barkstead
pñt Geo. Lord Fleetwood
Lord Hewson
Edmund Lo. Thomas
pr Lord Berry
Lord Goffe
pnt Lord Coop

It being moved that in regard of the great Concourse of Papists and other psons who haue been in Armes against the Coñonwealth vnto this Towne that an addresse may be made to his Highnes to issue a proclamation for removing them hence. Vpon Debate thereof it was resolued That a Message be sent to the house of Comons to ioyne wth this House therein

Ordered That a Coñittee Doe withdraw to pen the substance of a Message vppon the present Debate, vizt. Lo. Comr Lisle, Lord Presidt, Lord Disbrow, Lord Onslow.

'The Coñittee being withdrawne the house was adjourned During pleasure.

The house was resumed

The Lord Disbrow repo^rts from the Com^tee appointed to withdraw a pag[e] Containing the Draught of a Vote in pursuance of the former resoluc̃on w^ch was read and agreed viz^t.

That a Message be sent to the house of Co̅mons that they would ioyne w^th this house in an addresse to his Highnes the Lord Protecto^r that his Highnes wilbe pleased to yssue a Proclamac̃on by advise of both howses of Parliam^t Co̅maunding all Papists and all other persons who haue been in Armes against the Co̅monwealth by a Certaine Day to Depart out of the Cityes of London and Westm^r and the late lines of Co̅munication and twenty Miles of the same and not to retorne to the said Cityes or either of them During the space of three Moneths, no^r to any other place w^thin the lymitts aforesaid saue onely to such place or places in the Country where such p̣son or p̣sons aforesaid haue habitac̃ons

This Message was sent by M^r Justice Wyndham and M^r Justice Newdegate attended by the Clerke of the Comonwealth

The Lord Com^r Fiennes Declared (the Lords Consenting therevnto) this p^rsent Parliam^t to be Continued till to morrow nine of the Clock.

Thursday Februar 4 1657.

Richard Lord Cromwell.

His Highnes being come to the House vnexpected and set in his Chaire of State and the Lords in their places, all the Judges were sent for to attend the House and his Highnes having spoken something to this House taking notice therein of their faithfullnes to the publique interest and readines to Carry on the Governm^t as it is setled in the Humble Petic̃on and Advise, so as he could charge nothing on them as having been wanting in what might tend to the good of the Co̅monwealth His Highnes Co̅maunded the [Vsher of the] Black rodd to goe for the house of Comons, who being with their Speaker come to the Barre His Highnes spake [to them] as followeth*

Memorandum that this Day [being] *viz^t* thursday the 27th of January 1658 being appointed to be the first day of this Parliament about eight of the Clock in the morning *in* the lobby between the house of Lords and the Painted Chamber there mett these Lords hereafter named viz^t. the Right Ho^ble Nathaniel Lord Fiennes John Lord Lisle and Bulstrode Lord Whitelock Lords Keeps of the Great Seale Henry lord Lawrence Lord Presid^t of the Councell [Charles] John Lord Disbrowe Edward lo. Montagu and Phillip Lord Jones Comptroller of his Highnes houshold who showed forth a Co̅mission vnd^r the Great Seale directed vnto them and others for administring one vnto another and any two or more of them to every Memb^r of the Lords house the oath by the humble addiconall and explanatory petic̃on and aduise appointed and accordingly the Lord Disbrow and Lord Montagu hauing administred the said Oath (being read by the Clarke of the Co̅monwealth in Chauncery) to the lord Fiennes lord Lisle and Lord Whitelock Lords Keeps of the great Seale they did afterwards administer the same oath to these Lords following viz^t, Charles Lo. Fleetwood Lo. Visc^t Fauconberge, Lord Pykering Lord Chambłen of his Highnes houshold *Geo.* Lord Eure, John Lord Cleypole John Lord Glynne W^m Lord Lenthall Charles Lord Wolseley Philip Lo. Skippon,

* There then follow several blank pages in the original MS.

Walter Lord Strickland John Lord Fiennes Francis Lo. Russell Wm Lord Strickland Rich. Lord Onslow Edward Lo. Whalley Thomas Lord Honiwood Wm Lord Roberts Archibald Lo. Johnston of Wareston Richard Lo. Ingoldsby Chr. Lord Pack Robert Lo. Tichburne John Lo. Jones Geo. Lo. Fleetwood Mathew Lo. Tomlinson John Lord Hewson James Lord Berry William Lord Goffe and Thomas Lord Cooper.

the Tenor of wch Comission followeth vizt.

here enter the Com.

wch being doune the said Lords repaired in to the house whither his Highnes the Lord Protector came attended wth diuse of the Councell and from the house went so attended to the Abby at Westmr to heare a Sermon where preached, Mr Dr Goodwin and the same being ended his Highnes retorned to the house [he] attended by the lords.

Thursday the 27th of January 1658.

present His Highnes.

Lord Keeper Fiennes	Lord Onslow
Lord keeper Lisle	Lord Whalley
Lord Keeper Whitelock	Lord Honywood
Lord Laurence Lord President of the Councell	Lord Roberts
	Lord Johnston [Lord Wareston]
Charles Lord Fleetwood	Lord Ingoldsby
Lord Viscount Fauconberg	Lord Pack
Lord Pickering Lord Chamber	Lord Titchborne
Lord Evre	Jo. Lord Jones
Lord Cleypoole	[Lord Barksteade]
Lord Disbrough	George Lord Fleetwood
Lord Montagu	Lord Tomlinson
Lord Chiefe Justice Glynn	Lord Hewson
Lord Lenthall	Lord Berry
Lord Wolseley	Lord Goffe
Lord Sydenham	Lord Cooper
Lord Skippon	
Walter Lord Strickland	
Philip Lord Jones	
John Lord Fiennes	
Lord Russell	
Wm Lord Strickland	

His Highnes the lord Protector being placed in his seate of Estate and the lords in their places, sent [to] the Gent. Vsher for the Comons to come vpp [his him] *to* and they being come *to the barre* his Highnes spake as followeth

here entr the speach

Wherevppon the lord Keeper Fiennes did by his Highnes Coñaund speake to both howses in this manner.

here enter the Speach

[wherevppon] *wch speach being ended* the Coñons wthdrew and his Highnes also wth diuse of the lords and others attending him went to Whitehall.

The Lord Keep. Fiennes by consent of the lords Declared this pñte pliamt to be Continued till to morrow ten of the Clock in the morning.

FRIDAY 28 JAN. 1658.

Memorandum that the oath appointed by the humble [and] addicconall and explanatory peticõn and aduise was this Day taken in the [Lord Keeps Lodgings] *Lobby* by the Lord Sidenham before Lo. Tomlinson and Lo Berry.

John Lo. Barkstead took the same oath before Charles Lord Fleetwood Lo. Tomlinson and Lo. Berry

FRIDAY 28 JAN. 1658.

Mr Rowe prayed

Lords present

Lord Keeper Fiennes
Lord Keeper Lisle
Lord President Laurence
Charles Lord Fleetwood
Lord Chamberlen
Lord Evre
Lord Cleypole
Lord Disbrough
Lord Montagu
Lord Chiefe Justice Glynne
Lord Lenthall
Lord Wolseley
Lord Sydenham
Lord Skippon
Walter Lord Strickland
Lord Jones Lord Comptroller
John Lord Fiennes
Lord Russell
Lord Strickland
Lord Onslow
Lord Whalley
Lord Honywood
[Lord Roberts]
Lord Johnston
Lord Ingoldsby
Lord Pack
Lord Titchborne
John Lord Jones
Lord Berkstead
Geo. Lord Fleetwood
Lord Tomlinson

Ordered

That this Day sevenight be appointed for a day of solemne Fasting and humiliacõn in this house

Ordered That Mr Lockyer Mr Caryll and Mr Hooke be Desired to assist in carrying on the worke of that Day in this house

Ordered That the Gent Vsher Doe acquaint the said Ministers therewth

Ordered That Mr Hooke Mr Lockyer Mr Sterry Mr Peters Mr Howe and Mr White be desired to giue their assistance to pray in this house in their turnes euery morning and that the Gent Vsher Doe giue notice daily to them for that purpose

Ordered That the thanks of this house be given to Thomas Goodwin Dr of Diuinity for his great paines taken in his sermon preached yesterday in the Abby Church at Westmr before his Highnes and this house and that he be desired to print his sermon and haue the vsuall priuiledge therein and that the Gent Vsher Doe giue him the thanks of this house and desire him to print his sermon accordingly

Ordered That the Journalls be looked into to see whither the Chiefe Magestrates speach spoken in this house did vse to be reported to the house or not that the house may take Consideracõn of

Lord Hewson
Lord Berry
Lord Goffe
Lord Cowper

a moc̃on now made for reporting his Highnes Speach made yesterday.

These lords are appointed to be Comittees for the priuiledges of this house viz^{t}

Lord Keep Lisle
Lo. Keep Whitlock
Lo. Presid^{t} of the Councell
Lo. Evre
Lo. Chamblen
Lo. Cleypole
Lo. Disbrow
Lo. Montagu
Lo. Glynne
Lo. Lenthall
Lo. Sidenham
Phillip lo. Jones
John Lo. Fiennes
Francis lo. Russell
W^{m} lo. Strickland
Richard Lo. Onslow
Edw. Lo. Whalley
Archibald lo. Johnston
Rbt. Lo. Tichborne
John lo. Jones
James lo. Berry
M^{r} Baron Hill } to be
M^{r} Justice Newdegate } assistants

These lords or any 5 or more of them are to meet on Tuesday next and so vppon Tuesday in eu̯y weeke in the afternoone in the Roome called the Princes lodgings.

Ordered

That this Com^{tee} Doe appoint a Sub Com$^{tee.}$ to puse the Journall of this house and to examine the same and soe that the Orde^{r}s be duly entred

These lords were appointed Com^{tees} for petic̃ons

Lo. Presid^{t}
Lo. Disbrow
lo. Montagu
lo. Glynne
Lo. Lenthall
Lo. Wolseley
W^{m} Lo. Strickland
Lo. Onslow
lo. Whalley
Lo. Honiwood
Lo. Ingoldsby
Lo. Wareston
Lo. Pack
Lo. Tichburne
Geo. Lo. Fleetwood
Lo. Hewson
Lo. Goffe
Lo. Coop
M^{r} Justice Atkins } to be assistants
M^{r} Baron Parker }

These lords or any Fiue of them are to meete on Wednesday and Friday in eu̯y weeke in the afternoone in the lord keeps lodgings to receive all petic̃ons and to Consid^{r} of them and repo^{rt} such as they iudge fitt to the house

The Lord Keep Fyennes by consent of the lords Did [adjourne] *Declare* this p^{r}sent Parliam^{t} *to be Continued* vntill to morrow ten of the Clock in the forenoone.

[Friday] *Saturday* the 29th of January 1658.

lords Present.

Lord Keeper Fiennes
Lord Keeper Lisle
Lord President Laurence
[Charles Lord Fleetwood]
Philip Lord Viscount Lisle
Lord Chamberlen
Lord Evre

Lord Disbrough
Lord Chiefe Justice Glynne
Lord Lenthall
Lord Wolseley
Lord Sydenham
Walter Lord Strickland
Philip Lord Jones [Lord Comptroller]
John Lord Fiennes
Willm̃ Lord Strickland
Edward Lord Whalley
Lord [Wareston] Johnson
John Lord Jones
George Lord Fleetwood
Mathew Lord Thomlinson
John Lord Hewson
James Lord Berry
Lord Goffe
Lord Cooper

ORDERED

That the Lords of this House Doe Constantly giue their attendance in the house euy Day at ten of the Clock.

The lo. Fiennes by Consent of the lords did [adjourne] *Declare* this present Parliam^t^ *to be Continued* till ten of the Clock on Monday morning.

MEMORAND̃ that on this Day before the sitting of the house Phillip Lo. Visc^t^ Lisle tooke the Oath appointed by the humble addiconall and explanatory peticon and aduise in the lobby neere the Lords house before the lo. Presid^t^ Ph. lord Jones and the Lord Berry being read by the Clerk and so tooke his place in the house.

Monday 31 January 1658.

Lords p^r^sent

Lord Keep Fiennes
Lo. Keep Lisle
Lo. Presid^t^
Charles Lo. Fleetwood
Lo. Fauconberge
Phillip Lord Visc^t^ Lisle
Gilbt̃. Lo. Pykering
Lord Eure
Lord Cleypole
Lo. Dro v^s^
Lo. Montagu
Lo. Glynne
Lo. Lenthall
Lo. Wolseley
Lo. Sydenham
Lo. Skippon
Lo. Strickland
Ph. Lo. Jones
Jo. Lo. Fiennes
Fran. Lo. Russell
W^m^ Lo. Strickland
Edw. Lo. Whalle
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Hewson
Lo. Berry
Lo. Goffe
Lo. Cooper

Tho. Lo. Honywood
Wm lo. Roberts
Lo. Ingoldsby
Lo. Pack
Lo. Tichborne
John Lo. Jones

Mr Hooke prayed.

ORDERED

That it be referred to a Comtee to puse the Acts and lawes allready made against Cursing swearing Breach of the Sabeth and Drunkennesse and to see wherein the same are defectiue and haue need to be supplied and to Considr of such puisions as are necessary to be made therein and reportt it to this house vizt.

Lord Keep Lisle	Lo. Wolseley
Lo. Falconberge Lo. Viscr Lisle	
[Lo. Disbrow Chamblen]	Lo. Sidenham
Lo. Disbrow	
Lo. Glynne	Jo. Lo. Fiennes
	Wm Lo. Strickland
Lo. Lenthall	Edw. Lo. Whalley
Lo. *Johnson of* Wareston	
Lo. Tichborne	Lo. Hewson
John Lord Jones	Lo. Berry
Geo. Lo. Fleetwood	Lo. Goffe
Lo. Tomlinson	Lo. Cooper

Mr Baron Hill } to be assistant to
Mr Justice Windham } these lords.

These lords are to meete on Wednesday next in the afternoone in the Lord Keepers lodgings

ORDERED That Fiue be the Quorũ of this Comtee and that number shalbe vndersteod to be Quorũ of all Comtees of this house vnles the house doe otherwise appoint

A Bill was tendred for recognizing his Highnes the Lord Protector and disclayming the Title of Charles Stuart and all other the issue of the late King and it was prayed that the same might be read wch mocõn being seconded, the same was accordingly read and ordered to be read the second time to morrow morning.

The Lord Keep Fiennes by Consent of the house [adjour] *Declared* this present Parliamt to be [adjour] Continued vntill to morrow at ten of the Clock in the forenoone.

Tuesday 1 February 1658.

Present.

Lord Keeper Fiennes	Lo. Pack
Lo. Keeper Lisle	Lo. Tichburne
Lo. Presidt of ye Councell	Jo. Lo. Jones
Charles Lo. Fleetwood	Geo. lo. Fleetwood
Phillip Lo. Viscl Lisle	Lo. Tomlinson
	Lo. Hewson
Lord Pykering	Lo. Berry
Lo. Cleypole	lo. Goffe
Lo. Disbrow	lo. Cooper
Lo. Montagu	

Lo. Glynne
Lo. Lenthall
Lo. Wolseley
Lo. Skippon
Walt[r] Lo. Strickland
Phillip Lo. Jones
Jo. Lo. Fiennes
Francis Lo. Russell
W[m] Lo. Strickland
[Edw.] Lo. Whalley
Lo. Honiwood
Lo. Roberts
Lo. Ingoldsby

The Bill for Recognizing his Highnes and Disannulling the p[r]tended Title of Charles Stuart was this Day read the second time and vppon the Question Comitted to these Lords viz[t]

Lord Keep Lisle
Lo. Presid[t]
Lo. Visc[t] Lisle
Lo. Chambten
Lo. Disbrowe Lo. Glin Lo. Lenthall
Lord Wolseley
2. Walter Lo. Strickland
1. Lo. Sidenham
Phillip Lo. Jones
Jo. Lo. Fiennes
Lo. Onslow
Lo. Whalley
Lo. Tichborne
Jo. Lo. Jones
Lo. Tomlinson
Lo. Hewson
Lo. Berry
Lo. Cooper

Lo. Cheife Baron
M[r] Baron Hill
M[r] Justice Newdegate
} to assist the Com[tee] herin

And these lords or any Fiue of them are to meete in the Lord Keeps lodgings to morrow at nine of the Clock.

Ordered That a Bill be brought in for Confirmac̃on of the publique sales w[ch] haue been made by the Coñonwealth of the lands of the late King, &c. Bpps. Deanes and Chapters and Delinquents

That M[r] S[rt] Earle his Highnes S[rt] at Law Doe prepare a Bill for this purpose and that M[r] Baron Hill and M[r] Justice Newdegate [doe] be Desired to puse the same and repo[r]t it to the house

The Lord Keep Fiennes by Consent of the lords Declared this present Parliam[t] to be Continued vntill to morrow ten of the Clock in the morning.

WEDNESDAY 2 FEBR. 1658.

Present

Lord Keeper Fiennes
Lord Keeper Lisle
Lord President
Charles Lord Fleetwood
Lord Viscount Howard
Lord Viscount Lisle
Lord Chamberlen
Lord Evre
Lord Disbrough
Lord Montagu
John Lord Fiennes
Francis Lord Russell
W[m] Lord Strickland
Lord Onslow
Lord Whalley
Lord Honiwood
Lord Roberts
Lord Titchborne
John Lord Jones
George Lord Fleetwood

Lord Chiefe Justice Glynn
Lord Lenthall
Lord Wolseley
Lord Sydenham
Lord Strickland
Philip Lord Jones
Lord Thomlinson
Lord Hewson
Lord Berry
Lord Goffe
Lord Cooper

Mr Sterry prayed

The lord Keeper Fiennes by Consent of the lords Declared this prsent Parliamt to be Continued vntill to morrow ten of the Clock in the forenoone.

Thursday the 3d of February 1658.

Present

Lo. Keep Fiennes
Lo. keeper Lisle
Lo. President
Charles Lo. Fleetwood
Lord Viscount Howard
Lo. Visct Lisle
Lo. Chambten
Lo. Disbrow
Lo. Montagu
Lord Glinn
[Wil.] Lord Lenthall
Lord Sidenham
Lo. Skippon
Walter Lo. Strickland
Phillip Lord Jones
John Lord Fiennes
Wm Lo. Strickland
Lo. Onslowe
Lo. Whalley
Lo. [Onslow] *Honiwood*
Lo. Roberts
Lo. Johnston of Wareston
Lo. Ingoldsby
Lo. Tichburne
John Lo. Jones
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Berry
lo. Goffe
lo. Cooper

The Lord Lenthall reports from the Lords Comittees to whom the Bill of Recognition was Comitted amendmts to the said Bill wch were twice read and vppon the Question agreed and the bill so amended ordered to be engrossed wth this Title reported from the Comtee and agreed vizt. An Act for Recognizing [Richard] his Highness Richard Lord Protector of the Comonwealth of England Scotland and Ireland and the Dominions and Territories therevnto belonging

It was moved that in regard the Comtee thought fitt to leaue out of the Bill for Recognizing his Highnes those Clauses that Concerned the disannulling and Disclayming the prtended Title of Charles Stuart &c. that a bill might be brought in for that purpose wch being seconded by diuse others of the Lords it was vppon the Question

↑ bring in the clause on the next side here

Ordered that a Bill be brought in for disanulling and disclayming the prtended Title of Charles Stuart and all other issue and posterity of the late king and that it be referred to Mr Baron Hill to prpare a Bill to that purpose and to report it to the house

Ordered That the Bill for Recognizing his Highnes be brought in ingrossed on Saturday next. ↑

Ordered

That it be referred to the same Comtee to whom the bill for Recognizing his Highnes &c. was Comitted to examine the same bill when it

is ingrossed wth the Paper bill and amendments to see the same doe agree before it be brought in to be read the third time

The Lord Keep Fiennes by Consent of the house declared this p^{r}sent Parliam^{t} to be Continued vntill to morrow at nine of the Clock in the morning.

Archibald Lord [Wareston] Johnston of Warreston before y^{e} putting of the Question vppon the Amendm^{ts} Desired leaue to enter his Dissent and ptestacon against the amendm^{t} restrayning the exercise of the Office of Cheife Magestrate according to the humble peticon and advice so farre as concernes matters of Religion especially in Scotland.

FRIDAY the 4th of FEBRUARY 1658.

Present

Lord Keeper Fiennes	Lord Russell
Lord Keeper Lisle	W^{m} Lord Strickland
Lord President	Lord Onslow
Charles Lord Fleetwood	Lord Whalley
Lord Vis^{ct} Howard	Lord Honywood
Lord Vis^{ct} Lisle	Lord Roberts
Lord Chamberlen	Lord Johnston
Lord Evre	Lord Ingoldsby
Lord Disbrow	Lord Pack
Lord Montagu	Lord Titchborne
Lord Chiefe Justice Glynn	Jo. Lord Jones
Lord Lenthall	Lord Berkstead
Lord Sydenham	George Lord Fleetwood
Lord Skippon	Lord Tomlinson
Walter Lord Strickland	Lord Hewson
Lord Comptroller	Lord Berry
John Lord Fiennes	Lord Goffe
	Lord Cowper

This Day was kept as a Day of Fasting and humiliac̃on in the House M^{r} Hooke and M^{r} Caryll prayed and preached and M^{r} Lockier concluded with prayer a moc̃on being made for a Contribution to the relieſe of the poore as one Duty of this Day the same was freely assented vnto by the Lords

Ordered that the money arising by this Contribuc̃on be deliu̇ed to the Clerke of this house to be distributed by him for the releife of poore people such as he shall thinke fitt.

Ordered That the thankes of this house be given to M^{r} Hooke M^{r} Carill and M^{r} Lockyer for their great paines this Day in carrying on the worke of this Day of Fasting and humiliac̃on in this house.

The Lord Keeper Fiennes by Consent of the house did Declare this p^{r}sent Parliam^{t} to be continued till to morrow ten of the Clock.

Saturday 5 Febr. 1658.

Present.

Lo. Keep Fiennes	W^{m} Lo. Strickland
Lo. Keep Lisle	Lo. Onslow
Lo. Whitelock	Lo. Whalley
Lor	Lo. Honiwood
	Lo. Ingoldsby

	Lo. Pack
	Lo. Tichborne
Lo. Chambten	Jo. Lo. Jones
Lo. Evre	Geo. Lo. Fleetwood
Lo. Disbrow	Mathew lo. Tomlinson
Lo. Montagu	Lo. Hewson
Lo. Glynn	Lo. Berry
Lo. Lenthall	lo. Goffe
Lo. Wolseley	Lo. Coop
Lo. Skippon	
Walter Lo. Strickland	
Phillip Lo. Jones	
John Lo. Fiennes	

The Lord Onslow reports from the Comtee for the Bill of Recognicon that the said Comtee haue examined the bill ingrossed wth the pap bill and amendmts and find the same to agree

An Act for recognizing his Highnes Richard lord Protector of the Comonwealth of England Scotland and Ireland and the Dominions and Territoryes therevnto belonging was this Day read the third time and vppon the Question passed.

Ordered That the Lord Ingoldsby and lo. Goffe be added to the Comtee for priuiledges and that Comtee is to meete on Tuesday morning next

Ordered That the Comtee for pusing the lawes against pphane swearing and Cursing &c. Doe meet on Monday morning next at nine of the Clock

The lord keep Fiennes by Consent of the house declared this prsent Parliamt to be Continued vntill Monday ten of the Clocke.

Monday 7 Febr.

Present

Lo. kep Fiennes	John Lord Fiennes
Lo. keep Lisle	Lo. Russell
Lo. keep Whitelock	Wm lo. Strickland
Lo. Presidt	Lo. Onslow
Char. lord Fleetwood	Lo. Whalley
Lo. Viscte Lisle	Lo. Honiwood
Lo. Chambten	Lo. Roberts
Lo. Cleypole	Lo. Johnston
Lo. Disbrow	Lo. Ingoldsby
Lo. Lenthall	Lo. Pack
Lo. Wolseley	Lo. Tichborne
Lo. Sidenham	Jo. Lo. Jones
Wal. Lo. Strickl.	Lo. Barkstead
Phillip Lo. Jones	Geo. lo. Fleetwood
	lo. Tomlinson
	lo. Hewson
	Lo. Berry
	Lo. Goffe
	Lo. Coop

Mr Hooke prayed

The Lord keeper Fiennes by Consent of the lords Declared this pñt Parliamt to be Continued vntill to morrow morning ten of the Clock.

Tuesday 8 February 1658.

Present

Lo. keep { Fiennes, Lisle, Whitlock
Lo Presidt
[Lo. Fleetwood]
Lo. Viscount Fauconberg
Lord Howard
Lo. Pickering
Lo. Eure
Lo. Cleypole
Lo. Disbrough
Lo. Montagu
Lo. Lenthall
Lo. Wolseley
Lo. Sydenham
Lo. Skippon
Lo. Strickland
Phi. Lo. Jones
Jo. Lo. Fiennes
Wm Lo. Strickland
Lo. Onslow
Lo. Hampden
Lo. Honywood
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Jo. Lo. Jones
Lo. Hewson
Lo. Berry
Lo. Cooper

Memorandum that before the sitting of the house Richard Lord Hampden tooke the Oath being admred vnto him by the Lord Disbrow and Lord Montagu.

Mr White prayed

Ordered that the Bill referred to be brought in by Mr Baron Hill for disclayming and disanulling the Title of Charles Stuart &c. be brought in on Friday next.

Ordered that it be referred to a Comtee to Considr of the law for restrayning the use of the booke of Coñn prayer and to offer to this house what they thinke fitt for putting the same more effectually in execucon vizt

Lord Viscount Falkenberge
Lo. Chamblen
lo. Cleypole
Lo. Disbrow
Lo. Johnston
Lo. Pack
Lo. Tichborne
[Lo.]
Lo. Skippon
Lo. Onslow
Lo. Whalley
Lo. Honiwood
Lo. Hewson
Lo. Berry
Lo. Coop.

These Lords or any Fiue of them are to meete to morrow morning at Nine of the Clock in the Roome called the Princes lodgings

The lord Fiennes by Consent of the lords Declared this prsent Parliamt to be continued till to morrow ten of the Clock.

Wednesday 9 Febr. 1658.

Lo. keep Fiennes
Lisle
Whitlock
Lo. Chamblen
Lo. Eure
Lo. Disbrow
Wm Lo. Strickland
Lo. Onslow
Lo. Hampden
Lo. Honiwood
lo Roberts
Lo. Johnston

Lo. Glin
Lo. Lenthall
Lo. Wolseley
Lo. Skippon
Walt. lo. Strickland
Phillip Lo. Jones
John Lo. Fiennes

Lo. Ingoldsby
lo. Tichborne
Jo. Lo. Jones
G. lord Fleetwood
lo. Tomlinson
lo. Hewson
lo. Berry
lo. Goffe
[lo. C]

Mr Sterry prayed

The Lord keep Fiennes by Consent of the lords Declared this prsent Parliamt to be Continued till to morrow ten of the Clock.

Thursday 10 Febr. 1658.

Present

Lo. keep. { Fiennes, Lisle, Whitlock

Lord Howard
Lord
Lord Evre
Lord Cleypole

Lord Wolsley
Lo. Sidenham
Lo. Skippon
Wal. Lo. Strickland
Phillip lo. Jones
John Lo. Fiennes

Wm Lo. Strickland
Lo. Onslow
Lo. Honiwood
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichborne
Jo. Lord Jones
Lo. Tomlinson *Lo. Berry*
Lo. Goffe
Lo Cooper

Mr Peters prayed

The Lord Fiennes by Consent of the lords decl. this prsent Parliamt to be Continued till to morrow ten of the Clock.

Friday the 11th of February 1658.

prsent

Lo. keep. { Fiennes, Lisle, Whitlock

Lord Presidt
Lord Chamblen
Lo. Disbrow
Lo. Montagu
Lo. Lenthall *Lo. Wolseley*

Lo. Sidenham
[Walter] *Lo.* Skippon
Walter Lo. Strickland
Phillip Lo. Jones
Jo. Lo. Fiennes

Wm Lo. Strickland
Lo. Whalley
Lo. Onslow
lo. Honiwood
lo. Johnston
lo. Ingoldsby
Lo. Pack
Lo. Tichborne
Jo. Lord Jones
Geo. lo. Fleetwood
Lo. Tomlinson
lo. Berry
lo. Goffe
lo. Coop

Mr White prayed

Mr Baron Hill according to an ordr of this house reports a Bill for disclayming and disannulling the *pretended* Title of Charles Stuart &c. wch was this day read the first time and ordered to be read the 2d time on Tuesday next.

The Lord keep Fiennes by Consent of the lords declared this prsent Parliamt to be Continued till Monday morning ten of the Clock

Monday 14 February 1658.

prsent

Lord keep Fiennes	Lo. Onslow
Lord keep Lisle	*Lo. Whalley* *Lo. Hampden*
Lo. keep Whitelock	
Lo. President	Lo. Honiwood
Lo. Chamblen	*Lo. Roberts*
Lo. Eure	Lo. Johnston
Lo. Disbrowe	*Lo. Ingoldsby*
Lo. Montagu	Lo. Pack
Lo. Lenthall	Lo. Tichborne
Lo. Wolseley	Jo. Lo. Jones
Lo. Sidenham	Geo. Lo. Fleetwood
Lo. Skippon	Lo. Tomlinson
Walter Lo. Strickland	Lo. Hewson
Phillip Lo. Jones	*Lo. Berry*
Jo. Lo. Fiennes	Lo. Goffe
Wm Lo. Strickland	Lo. Coop

Mr Wood prayed

The Lord Keep Fiennes by Consent of the lords Declared this prsent Parliamt to be Continued till to morrow ten of the Clock.

Tuesday 15 Febr. 1658.

prsent

Lo. keep { Fiennes	Lo. Onslow
Lisle	Lo. Whalley
Whitlock	Lo. [Onslow] Hampden
Lo. President	Lo. Honiwood
Lo. Chamblen	Lo. Roberts
Lo. Eure	Lo. Pack
Lo. Disbrow	Lo. Tichburne
Lo. Montagu	Jo. Lo. Jones
Lo. Lenthall	Geo. lo. Fleetwood
Lo. Wolseley	lo. Berry
Lord Sidenham	*lo. Goffe*
Walter Lo. Strickland	Lo. Coop
Phillip lo. Jones	
Jo. Lo. Fiennes	
Wm Lo. Strickland	

Mr Wood prayed

The bill for disannulling and disclayming the prtended title of Charles Stuart &c. was this Day read the second time and vppon the Quen Comitted to

Lo. keep. Lisle	John Lo. Fiennes
Lo. keep Whitelock	Lo. Hampden

Lo. Chambłen
Lo. Disbrow
Lo. Lenthall
Lo. Wolseley
Lo. Sidenham
Lo. Roberts
Lo. Warreston
Lo. Pack
Lo. Tichburne
Jo. Lo. Jones

Lo. Cheife Baron
Baron Nicholas
Baron Parker
} assistants

These Lords [are to] or any fiue of them are to meet on this bill on Friday morning at nine of the Clock in the lodgings called the Princes lodgings.

The Lords being acquainted that notwithstanding the lawes against Stage playes and Interludes yet there are Stage playes Interludes and things of the like nature called Opera acted to the scandall of Religion and of the Counnt.

ORDERED

That it be referred to a Com^tee to Consid^r of the p^rsent Debate and to puse the lawes w^ch haue been made against Stage playes Interludes and meetings of like nature and how farre the same Doe extend and wherein they are defectiue as also [how the] what remedy may be applied for the present suppressing and preventing such meetings and to repo^rt their opinion therein to the house viz^t.

Lo. keep. Whitelock
Lo. Chambłen
Lord Cleypole
Lo. Lenthall
Lo. Sidenham
Walt^r lo. Strickland
Phillip Lo. Jones
John Lo. Fiennes
Wm. Lo. Strickland
Lo. Onslow
Lo. Whalley
Lo. Roberts
Lo. Warreston
Lo. Tichburne
Jo. Lo. Jones
Lo. Berry
Lo. Goffe
Lo Coop

These Lords or any 5 of them are to meete to morrow morning at nine of the Clock in the Lord keeps lodgings

The Com^tees to whom the lawes against the book of Comon prayer were referred are to meet to morrow morning at nine of the Clock in the place formerly appointed

The Lord Keep Fiennes by Consent of the lords Declared this p^rsent Parliam^t to be Continued vntill to morrow ten of the Clock in the morning

Wednesday 16 Febr. 1658.

p^rsent

Lo. keep { Fiennes, Lisle, Whitlock
Lo. Chambłen
Lo. Eure
Lo. Disbrow
Lo. Montagu
Lo. Lenthall
Lo. Wolseley
Lo. Onslow
Lo. Whalley
Lo. Honiwood
Lo. Roberts
Lo. Warreston
Lo. Pack
Lo. Tichburne
Jo. Lo. Jones
Geo. Lo. Fleetwood

Lo. Skippon
Walt[r] Lo. Strickland
P. lo. Jones
Jo. Lo. Fiennes
W[m] Lo. Strickland
Lo. Berry
Lo. Goffe.

Mr. Sterry prayed

The Lord keep Fiennes by Consent of the lords Declared this p[r]sent Parliam[t] to be Continued till to morrow ten of the Clock in the morning

Thursday 17 February

Lo. Keeps { Fiennes, Lisle, Whitelock }
Lo. Presid[t]
Lo. Howard
Lo. Chamblen
Lo. Evre
Lo. Disbrow
Lo. Montagu
Lo. Glynne
Lo. Skippon
Wal. Lo. Strickland
Jo. Lo. Fiennes
W[m] Lo. Strickland
Lo. Onslow
Lo. Roberts
Lo. Johnston
Lo. Pack
Lo. Tichburne
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Hewson
Lo. Berry
Lo. Goffe
lo. Coop

The Lord keep Fiennes by Consent of the lords Declared this p[r]sent Parliam[t] to be Continued till to morrow ten of the Clock in the morning

Friday 18 February.

Lord Keepers { Fiennes, Lisle, Whitelock }
Lo. President
Lo. Visc[t] Lisle
Lo. Evre
Lo. Skippon
Walt. Lord Strickland
Philip Lo. Jones
Jo. Lo. Fiennes
W[m] Lo. Strickland
Lo. Onslow
Lo. Whalley
Lo. Honywood
Lo. Wareston
Lo. Ingoldsby
Lo. Pack
Lo. Titchborne
Geo. Lo. Fleetwood
Lo. Thomlinson
Lo. Hewson
Lo. Berry
Lo. Goffe
Lo. Cooper

M[r] White prayed

The Lord Keep Fiennes by Consent of the lords declared this p[r]sent Parliam[t] to be Continued till Monday morning next at ten of the Clock.

Monday 21 Febr. 1658.

Present

Lo. keep { Fiennes, Lisle, Whitelock }
Charles Lo. Fleetwood
Lo. Honiwood
Lo. Roberts
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne

Lo. Chamblen
Lo. Evre
Lo. Disbrowe
Lo. Glynne
Lo. Lenthall
Lo. Skippon
Walt[r] Lo. Strickll
Philip lord Jones
Jo. Lo. Fiennes
W[m] Lo. Strickland
Lo. Whalley
Jo. Lo. Jones
Lo. Tomlinson
Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Cooper

M[r] White prayed

The Lord keep Fiennes Declared that he had a Comãund from his Highnes the Lord Protector to Comunicate vnto the Lords in this house the State of affaires abroad wherein his Highnes Did Desire the aduise of this House the substance of [his] what was reported was as followeth

ORDERED

That the Debate on this Repo[r]t be taken vpp to morrow morning

The Lord keep Fiennes by Consent of the lords did declare this p[r]sent Parliam[t] to be Continued vntill to morrow nine of the Clock in the morning

MEMORAND that before the sitting of the house this Day [the] *Edmond* Lord Thomas tooke the Oath prescribed by the humble addiconall and explanatory petic̃on and aduise in the chamb[r] called the Princes lodgings before the Lord Chamblen and Lord Disbrow [and so]

Tuesday the 22[th] of Febr. 1658.

Present

Lo. keep { Fiennes, Lisle, Whitelock
Charles Lo. Fleetwood
Lo. Chamberlaine
Lo. Eure
Lo. Cleypole
Lo. Disbrow
Lo. Glynne
Lo. Lenthall
Lo. Wolseley
Lo. Skippon
Wal. Lo. Strickland
Ph. Lo. Jones
Jo. Lo. Fiennes
W[m] Lo. Strickland
Lo. Whalley
Lo. Honiwood
Lo. Roberts Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Lo. Tomlinson
Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Cooper

M[r] Lockier prayed

The [House according] Lord keep Fiennes acquainted the house w[th] the humble Desire of M[r] Baron Nicholas for liberty to goe into the Country for his health

ORDERED That M[r] Baron Nicholas haue leaue to goe into the Country for his health

The House according to the Ordr yesterday tooke vpp the Debate vppon the Repor^{t} made by the lord keep Fiennes w^{ch} was read and the further Debate thereof adjourned till to morrow morning

The Lord Fiennes wth Consent of the lords Declared this p^{r}sent Parliam^{t} to be adiourned till to morrow morning nine of the Clock.

Wednesday 23 Febr. 1658.

Present

Lord keep { Fiennes / [Lisle] / [Whitelock]

Wm Lo. Strickland
Lo. keep Lisle
Lo. Whalley
Lo. keep Whitelock
Lo. Honiwood
Lo. Falconberge
Lo. Johnston
Lo. Evre
Lo. Pack
Lo. Tichburne
Lo. Disbrow
Lo. Tomlinson
Lo. Lenthall
Lo. Wolseley
Lo. Thomas
Lo. Berry
Lo. Skippon
Lo. Goffe
Walt. Lo. Strickland
Lo. Cooper
Philip Lo. Jones

Mr Sterry prayed.

Ordered

That ye [Lord keep Fiennes] *Debate adjourned* to this Day be adjourned till to morrow morning

The Lord keep Fiennes by Consent of the Lords did Declare this p^{r}sent Parliam^{t} to be Continued till to morrow nine of the Clock

Thursday 24 Febr. 1658.

Present

Lo.
Lo. keeper { Fiennes / Lisle / Whitelock
Lo. Honiwood
Lo. Roberts
Lo. Johnston
Charles Lo. Fleetwood
Lo. Visct Fauconberge
Lo. Visct Howard
Lo. Pack
Lo. Tichburne
Geo. Lo. Fleetwood
Lo. Evre
Lo. Tomlinson
Lo. Disbrowe
Lo. Hewson
Lo. Glynne
Lo. Thomas
Lo. Lenthall
Lo. Berry
Lo. Goffe
Lo. Wolseley
Lo. Cooper
Lo. Skippon
Walter Lo. Strickland
Philip Lo. Jones
William Lo. Strickland
Lo. Onslowe
Lo. Whalley

Mr Peters prayed.

The house resumed the Debate vppon the Repo^rt made from his Highnes by the Lord keep Fiennes on Monday last and the further debate thereof was adjourned till to morrow nine of the Clock

The Lord keep Fiennes by Consent of the Lords declared this p^rsent Parliam^t to be Continued till to morrow morning nine of the Clock.

Friday the 25 Febr. 1658.

Present

Lord keep Fiennes	Lo. Whalley
Lo. keep Lisle	Lo. Honiwood
Lo. keep Whitelock	Lo. Roberts
Lo. President	
	Lo. Johnston
	Lo. Ingoldsby
Lo. Eure	Lo. Pack
Lord Disbrowe	Lo. Tichburne
Lo. Lenthall	Geo. Lord Fleetwood
Lo. Wolseley	Lo. Tomlinson
Lo. Skippon	Lo. Hewson
Wal. Lo. Strickland	Lo. Thomas
Philip Lo. Jones	Lo. Berry
W^m Lo. Strickland	Lo. Goffe
Lord Onslow	Lord Coop

M^r White prayed.

The house resumed the Debate vppon the Repo^rt made by the Lord keep Fiennes on Monday last and therevppon passed this Resolue.

Vppon Consideracõn of the State of affaires as they haue been represented to this House in the Narratiue made by coñaund of his Highnes, this house doth iudge it necessary and *resolue* that it be offered to his Highnes as their aduise That a Considerable Navy be forthw^th equipped and set forth to Sea for the safety of this Coñonwealth and the p^rservacõn of the Trade and Coñerce thereof.

Resolued

That it be offered to his Highnes as the aduise of this House that his Highnes by and w^th the aduise of [the] *his* Councell Doe dispose of this Fleet for the security of this Nation and for the preservacõn of Trade and Coñerce and that his Highnes by and w^th the aduise of his Councell Doe send such pt of this Fleet as they shall find requisite w^th Instrucõns for mediating a Peace between the kings of Sweden and Denmark and for p^rserving and maintaining the Freedome and liberty of the Trade and Coñerce of these Nations through the Sound and *in y^e* Easterne Seas.

Ordered

That the Com^tee for priuiledges Doe meet this afternoone and appoint a subCom^tee to puse the Journall of this house once in every Weeke to see the same be rightly entred.

The Lord keep Fiennes by Consent of the Lords Did Declare this present Parliam^t so be Continued till to morrow ten of the Clock.

Saturday 26 February 1658.

Lo. keep	Fiennes	W^m Lo. Strickland
	Lisle	Lo. Onslow
	Whitelock	Lo. Whalley

Lo. President	Lo. Honiwood
Lord *Visc*t Howard	Lo. Johnston
	Lo. Pack
	Lo. Tichburne
Lo. Disbrow	*Lo. Berkstead*
Lo. Montagu	Geo. Lord Fleetwood
	Lo. Tomlinson
Lo. Lenthall	
	Lo. Hewson
	Lo. Thomas
Walter Lord Strickland	Lo. Berry
Phillip Lord Jones	Lo. Goffe
	Lo. Cooper

Mr Sterry praied.

The Lord Keep Fiennes acquaints the house that the Comtee for Priviledges pvsing the Journall Doe observe that in a Vote of this house passed yesterday concerning the [preparing] *equipping* and sending forth a Navy, it will rendr the sence more cleare that the word (Resolue) be inserted whereyppon the vote was read and by ordr vppon the Question the word (resolue) was inserted next before these words that it be offered to his Highness &c.

The Lord keep Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued vntill Monday next at nine of the Clock in the morning.

Monday 28 February 1658.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
Lo. keep Whitelock	
	Lo. Honiwood
Lo. Visct Fauconberge	Lo. Roberts
	Lo. Johnston
	Lo. Ingoldsby
Lo. Evre	Lo. Pack
Lo. Disbrowe	Lo. Tichburne
Lo. Montagu	
Lo. Glynne	Geo. Lo. Fleetwood
Lo. Lenthall	Lo. Tomlinson
	Lo. Hewson
	Lo.
Lo. Wolseley	Lo. Berry
	Lo. Goffe
Walter Lo. Strickland	Lo. Coop

Willm̃ Lo. Strickland

Mr Hooke prayed.

The Lord keep Fiennes by Consent of the Lords declared this present Parliamt to be Continued till to morrow ten of the Clock in the morning

Tuesday the 1st of March 1658.

Present

Lo. keep Fiennes	Lord Onslow
	Lord Whalley
Lo. keep Whitelock	Lo. Hampden
	Lo. Roberts
Charles Lo. Fleetwood	Lo. Johnston
	Lo. Ingoldsby
Lo. Viscᵗ Fauconberge	Lo. Pack
Lo. Viscᵗ Howard	Lo. Tichburne
Lo. Evre	Jo. Lo. Jones
Lo. Broghill	Geo. Lo. Fleetwood
Lo. Disbrow	Lo. Tomlinson
Lo. Montagu	
Lo. Glynne	Lo. Goffe
Lo. Lenthall	Lo. Cooper
Walter Lo. Strickland	
Phillip Lord Jones	
Wᵐ Lo. Strickland	

Mr Lockyer prayed.

The house was adjourned During pleasure

The house was resumed

The Lord keep Fiennes by Consent of the lords Declared this present Parliamᵗ to be continued vntill to morrow morning ten of the Clock.

MEMORAND that before the sitting o the house the Lord Broghill tooke the Oath in the Lobby before the Lord Disbrow Lord Montagu and Phillip Lord Jones and then came into the house.

Wednesday 2 [February] *March* 1658.

Lord keeper Fiennes	Lo. Onslow
Lo. keep [Fiennes] *Lisle*	Lo. Whalley
	Lo. Hampden
	Lo. Honiwood
	Lo. Roberts
	Lo. Ingoldsby
Lo. Eure	Lo. Pack
Lo. Disbrow	Lo. Tichburne
Lo. Lenthall	
Lo. Wolseley	Geo. Lo. Fleetwood
	Lo.
Walter Lo. Strickland	Lo. Berry
	Lo. Goffe
Wᵐ Lo. Strickland	Lo. Cooper

Mr White prayed.

The Lord keep Fiennes by Consent of the Lords Declared this prsent Parliamᵗ to be Continued till to morrow morning ten of the Clock.

Thursday 3 [February] *March* 1658.

Lord Keeper Fiennes	Lo. Whalley
Lord Keeper Lisle	
Lord Keeper Whitelock	

	Lo. Roberts
Charles Lo. Fletwood	
Lo. Viscᵗ Lisle	
Lo. Evre	Lo. Johnston
	Lo. Pack
Lord Disbrough	Lo. Titchborne
Lo. Montagu	
Lo. Wolseley	
Lord Sydenham	Lo. Thomlinson
Walter Lo. Strickland	Lo. Berry
Lo. Onslow	Lo. Goffe
	Lo. Cooper

Mr Peters prayed.

ORDERED

That it be referred to a Comtᵉᵉ of the Lords to considr what puision may be made for the indempnifying of such psons as since the last Act for Indempnity haue acted anything by ordr of his Highnes or the Councell for yᵉ safety and peace of the Nations and to prepare an act for the purpose yf they see [cause] it necessary and reportᵗ it to the house vizᵗ

Lo. keep Lisle	Lo. Tichburne
Lo. keep Whitelock	Lo. Tomlinson
Lo. Disbrow	Lo. Berry
Philiip Lo. Jones	Lo. Goffe
Lo. Johnston	Lo. Coop
Lo. Pack	

Mr Justice Newdegate, Mr Baron Hill to } Assistants

These Lords or any Fiue of them are to meete on Monday morning next at nine of the Clock in the roome called the Princes lodgings.

The Lord keep Fiennes by Consent of the lords declared this prsent Parliamᵗ to be Continued vntill Saturday morning ten of the Clock.

Saturday 5 March 1658.

Lo. keeps { Fiennes, Lisle, Whitelock }	Walter Lo. Strickland*
	Lo. Onslow
Lo. Presidᵗ	Lo. Whalley
	Lo. Honiwood
	Lo. Johnston
Lo. Viscᵗ Howard	Lo. Ingoldsby
Lo. Eure	Lo. Pack
Lo. Disbrow	Lo. Tichburne
Lo. Montagu	Jo. Lo. Jones
Lord Glynn	Geo. Lo. Fleetwood
Lord Lenthall	Lo. Tomlinson
	Lo. Hewson
Walt. Lo. Strickland	Lo. Berry
Philip Lo. Jones	Lo. Goffe
	Lo. Cooper

Mr. White prayed.

* This should no doubt be William, Lord Strickland.

The Lord keeper Fiennes acquaints the Lords that it is the humble Desire of [this] Mr Justice Windham that this House would giue him liberty to goe for sometime into the Country vppon necessary occasion.

ORDERED

That Mr Justice Wyndham haue leaue for some time to goe into the Country

ORDERED That it be referred to a Comtee of the Lords to examine and state the whole Matter of Fact in the busines now in debate touching the Custody of the Records brought from Scotland to the Towr of London and the remouing of any of them and to report the state of it to the house vizt

Lo. keep Lisle	Walter Lo. Strickland
Lo. keep Whitelock	Philip Lo. Jones
Lo. Presidt	Lo. Onslow
Lo. Disbrow	Lo. Johnston
Lo. Glynne	Jo. Lo. Jones
Lo. Lenthall	

these lords or any fiue of them are to meet on Tuesday morning at Nine of the Clock in the lord keeps Lodgings.

The Lord keep Fiennes by Consent of the lords Declared this present Parliamt to be Continued vntill Monday morning next at ten of the Clock.

Monday 7 March 1658.

Lord Keeper { Fiennes, Lisle, Whitelock	Lord Onslow
	Lord Whalley
Charles Lord Fleetwood	Lord Honiwood
Lord Visct Fauconberge	Lord Roberts
	Lord Johnston
	Lord Ingoldsby
Lord Evre	Lord Pack
Lord Broghill	Lord Tichburne
	Jo. Lord Jones
Lord Disbrow	Geo. Lo. Fleetwood
Lord Montagu	Lord Tomlinson
Lord Glynne	Lo. Hewson
	Lo. Berry
	Lo. Goffe
Walter Lo. Strickland	Lord Cooper
Philip Lord Jones	
William Lord Strickland	

Mr Hooke prayed.

The Lord Fiennes by Consent of the lords Declared this prsent Parliamt to be Continued vntill to morrow morning ten of the Clock.

Tuesday 8 March 1658.

Lo. Keepers { Fiennes, Lisle, Whitlock	Lo. Honiwood
	Lo. Roberts

Lo. Presidt
Charles lord Fleetwood
Lo. Visct Fauconberge
Lo. Visct Howard
Lo. Eure
Lo. Broghill
Lo. Disbrow
Lo. Wolseley
Lo Sidenham
Walter Lo. Strickland
Phillip Lo. Jones
Lo. Onslow
Lord Whaley
Lo. Johnston
Lo. Pack
Lo. Tichborne
Jo. Lord Jones
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Berry
Lo. Goffe
Lo. Cooper

The Lo. keep Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued vntill [to morrow] Thursday next at [One] *Ten* of the Clock in the morning

Thursday 10 March 1658.

Lo. keeper { Fiennes, Lisle, Whitelock
Lo. Presidt
Charles Lo. Fleetwood
Lo. Visct Lisle
Lo. Eure
Lo. Disbrow
Lo. Sidenham
Philip Lo. Jones
Wm Lo. Strickland
Lo. Onslow
Lo. Whalley
Lo. Hampden
Lo Honiwood
Lo. Roberts
Lo. Johnston
Lo. Pack
Lo. Tichburne
John Lo. Jones
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Hewson
Lo. Berry
Lo. Goffe
Lo. Cooper

Mr Peters prayed.

The Lord keep Fiennes by Consent of the Lords declared this prsent Parliamt to be Continued vntill to morrow morning ten of the Clock.

Friday 11 March 1658.

Lo. keeper
Lord Presidt
Charles Lo. Fleetwood
Lo. Eure
Lo. Disbrow
Lo. Montague
Lo. Wolseley
Lo. Sidenham
Wal Lo. Strickland
Philip Lo. Jones
Wm Lo. Strickland
Lo. Onslowe
Lo. Whalley
Lo. Hamden
Lo. Honiwood
Lo. Johnston
Lo. Pack
Lo Tichburne
John Lo. Jones
Lo. Tomlinson
Lo. Berry
Lo. Goffe
Lo. Cooper

Mr White prayed.

The house being acquainted that Edward Lord Montagu a Member of this House and one of the Generalls at Sea is comãunded by his Highnes to goe to Sea in the Fleete now going forth and expects the pleasure of this House therein.

ORDERED That the said Lord Montagu haue the leaue of this House to attend his service aforesaid

The Lord keep Fiennes by Consent of the lords Declared this p[r]sent Parliam[t] to be Continued vntill Monday next at ten of the Clock in the morning.

Monday 14 March 1658.

Present

Lo. keeps { Fiennes, Lisle, Whitelock
Charles Lo. Fleetwood
Lo. Evre
Lo. Disbrow
Lord Glynne
Lo. Lenthall
Walter Lo Strickland
Jo. Lord Fiennes
W[m] Lo. Strickland
Lo. Whalley
Lo. Honiwood
Lo. Roberts
Lo. Johnston
Lo. Pack
Lo Tichburne
Jo. Lo. Jones
Lo. Tomlinson
Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Coop

M[r]. Wood prayed.

ORDERED That the seũall Comittees to whom there haue been any matters referred or Cm[ted] by this house Doe expedite their seũall Repo[rts] and make report[s] to the house as speedily as may be

That the Comittee to whom it was referred to prepare a bill for Indemnifying these psons who haue acted for the publique good Doe meete to morrow morning at nine of the Clock at the place formerly appointed and bring in the bill w[th] all speed.

[The] *A* bill was presented concerning the other House of Parliam[t] limiting the *number* Rights and priuiledges of the psons sitting in that House w[ch] being first opened and the subiect matter of it appued the same was by ord[r] vppon the Question read the first time and ordered to be read the second time to morrow morning.

The Lord keep Fiennes by Consent of the Lords Declared this p[r]sent Parliam[t] to be Continued until to morrow ten of the Clock.

Tuesday 15 March 1658.

Present

Lo. keeper { Fiennes, Lisle, Whitelock
Lo. Presid[t]
Charles Lo. Fleetwood
Lo. Disbrow
William Lo. Strickl
Lo. Whalley
Lo. Honiwood
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne

Lo. Lenthall
Lo. Wolseley
Lo. Sidenham
Wal. Lo. Strickland
P. lord Jones
Jo. Lo. Fiennes
Jo. Lo. Jones
Lo. Tomlinson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Coop

Mr Lockier prayed

The bill concerning the other House of Parliamt limitting the Number Rights and priviledges of the psons sitting in that House was this Day read the second time and vppon the Question comitted to

Lo. Keeper Lisle
Lo keep Whitelock
Lo. President
Lo. Fleetwood
Lo. Disbrow Lo. Glynne

Lo. Wolseley
lo. Sidenham
Walter lo. Strickland
[Lo. Whalley] P. lord Jones
Jo. Lo. Fiennes

Lo. Cheife Baron
Baron Hill assistants

Wm Lo. Strickland
Lo. Whalley
Lo. Johnston
Lo. Ingoldsby
4 Lo. Tomlinson
3 Jo. lo. Jones
1 Lo. Pack
2 lo. Tichborne
5 Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Coop

These lords or any fiue of them are to meet on this bill to morrow morning at nine of the Clock in the chambr called the Princes lodgings.

The Lord keep Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued vntill to morrow in the morning ten of the Clock

Wednesday 16th March 1658.

Present

Lo. keep Fiennes
Lo. keep Lisle
Lo. keep Whitelock
Lord President

Lo. Visct Howard

Lo. Eure
Lo. Cleypole
Lo. Disbrow
Lo. Wolseley
Lo. Sidenham
Walter Lo. Stricklard
Philip Lord Jones
John Lo. Fiennes
Wm Lo. Strickland
Lo. Onslow
Lo. Whalley
Lo. Hampden
Lo. Honiwood
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Jo. Lo. Jones
Lo. Tomlinson

Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Coop

Mr Howe prayed

ORDERED That the Lord Cheife Baron [haue leaue to be absent] be dispenced w^th^ for his attendance on this house for Fower dayes.

That the Repo^rt^ of the amendm^ts^ to the bill for renouncing and disanulling the pretended Title of Charles Stuart be made to morrow morning

The Lord Disbrow repo^rts^ from the Com^tee^ to whom the same was referred a Bill entituled an Act for Indempnity w^ch^ was now read the first time and ordered to be read the second time on Friday next

The Lord keep Fiennes by Consent of the lords declared this p^r^sent Parliam^t^ to be Continued vntill to morrow morning ten of the Clock

Thursday 17 March 1658.

Present

Lo. keep Fiennes	Lo. Whalley
Do. keep Lisle	Lo. Hampden
Lo. keep Whitelock	Lo. Honiwood
Lo. President	Lo. Roberts
Charles Lo. Fleetwood	
Lo. Visc^t^ Howard	Lo. Ingoldsby
Lo. Visc^t^ Lisle	Lo. Pack
Lo. Cleypole	Lo. Tichburne
Lo. Disbrow	
Lo. Glynne	Lo. Tomlinson
Lo. Lenthall	
Lo. Wolseley	Lo. Hewson
Lo. Skippon	Lo. Berry
Walter Lo. Strickland	Lo. Goffe
Philip Lo. Jones	Lo. Coop
Jo. Lo. Fiennes	
W^m^ Lo. Strickland	
Lo. Onslow	

M^r^ Peters prayed.

The Lord Disbrow repo^rts^ from the Com^tee^ to whom the Bill for renouncing and Disannulling the *prtended* Title of CHARLES STUART &c. amendm^ts^ to the said Bill w^ch^ were twice read and vppon the Question agreed and the bill ordered to be ingrossed.

ORDERED

That M^r^ S^rt^ Earle be Desired to prepare the Bill w^ch^ was referred to him to Draw for Confirmac̃on of publique sales and that M^r^ Baron Hill after advising with M^r^ S^rt^ Earle therein be Desired *to* repo^rt^ the same on Monday next.

ORDERED That the p^r^sent Debate vppon the Votes of this house for advise to his Highnes touching the Fleet be adjourned till to morrow morning

The Lord *keep* Fiennes by consent of the lords Declared this present Parliam^t^ to be continued vntill to morrow at ten of the Clock in the morning.

Friday 18 March 1658.

Present

Lo. keep	Fiennes	Lo. Whalley
	Lisle	Lo. Hampden
	Whitelock	Lo. Honiwood

Lo. Presidt
Charles Lo. Fleetwood

Lo. Visct Howard
Lo. Visct Lisle
Lo. Broghill
Lo. Cleypole
Lo. Disbrow
Lo. Glynne
Lo. Lenthall
Lo. Wolseley
Lo. Sidenham
Lo. Skippon
Wal. Lo. Strickland
Philip Lo. Jones
Jo. Lo. Fiennes
Willm̃ Lo. Strickland
Lo. Onslow

Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Lo. Tomlinson

Lo Thomas
Lo. Berry
Lo. Goffe

Mr Howe prayed

The house resumed the Debate adjourned yesterday. The Resolue of this house passed the 25th of February last was now read being in these words

Vppon Consideracõn of the State of Affaires as they haue been represented to this House in the Narratiue made by Comaund of his Highnes this House doth iudge it necessary and resolue that it be offered to his Highnes as their advice that a Considerable Navy be forthwth equipped and set forth to Sea for the safety of this Comonwealth and the preservacõn of the Trade and Comerce.

and some addicõn being offered to be made to the said Vote in these words and that His Highnes be desired to take order that the same be donne accordingly after some Debate had therein this Vote was vppon the Question passed.

Vppon considacõn of the state of affaires as they haue been represented to this House in the Narratiue made by Comaund of his Highnes

This House doth iudge it necessary and resolue that it be offered to his Highnes as their aduise that a Considerable Navy be forth wth equipped and set forth to Sea for the safety of this Comonwealth and the preservacõn of the Trade and Comerce thereof and that his Highnes be Desired to take ordr that the same be donne accordingly

Resolued

That this be offered imediately to his Highnes as the aduice of this House

Ordered

That the Lord keep Fiennes *Speaker of this House* be desired to Comunicate this Vote to his Highnes from this House accordingly.

The Lord keep Fiennes by Consent of the lords Declared this prsent Parliamt to be Continued vntill Monday ten of the Clock in the Morning.

Monday 21 March 1658.

Present

Lord Keeper { Fiennes / Lisle

Lo. Onslow

Charles Lord Fleetwood
Lord Visct Fauconberge
Lord Broghill
Lo. Disbrow
Lo. Glynne
Lo. Lenthall
Lo. Wolseley
Lo. Skippon
Philip Lo. Jones
Lo. Whalley
Lo. Hampden
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Geo. Lo. Fleetwood
Lo. Hewson
Lo. Berry
Lo. Goffe
Lo. Coop

Mr. Hooke prayed.

ORDERED

That it be referred to a Comtee of the Lords of this House to search among the Records of this House what presidents there are that any thing hath arisen from this House in ordr to the lessening [of] any Charge vppon the people either in point of time or Quantity. vizt. to

Lord keep Lisle
Charles Lo. Fleetwood
Lo. Visct Fauconberge
Lo. Broghill
Lo. Disbrow
Lo. Glynne
Lo. Lenthall
Lo. Wolsley
Phillip Lo. Jones
Lo. Onslow
Lo. Whalley
Lo. Pack
Lo. Tichburne
Geo. Lo. Fleetwood
Lo. Berry
Lo. Coop

These Lords or any fiue of them are to meete to morrow at nine of the Clock in the morning in the lord keeps Lodgings vppon this busines.

ORDERED That the engrossed bill for renouncing and disannulling the pretended Title of Charles Stuart be read the third time to morrow morning the first busines

That the Bill for Confirmacon of sales be [reported] *brought in* and read to morrow morning

The Lord keep Fiennes by Consent of the lords Declared this present Parliamt to be Continued vntill to morrow morning at ten of the Clock.

Tuesday 22 March 1658.

Present

Lord keep Fiennes
Lord keep Whitlock
Lord President
Charles Lord Fleetwood
Lo. Viscount Howard
Lo. Viscount Lisle
Lo. Broghill
Lo. Cleypole
Lord Disbrowe
Lord Lenthall
Lord Wolseley
Lo. Onslow
Lo. Whalley
Lo. Honiwood
Lo. Roberts
Lord Johnston
Lo. Tichburne
John Lo. Jones
Geo. Lo. Fleetwood
Lo. Berry
Lo. Goffe
Lord Cooper

Lo. Sidenham
Lo. Skippon

Walter Lo. Strickland
Philip Lo. Jones
John Lo. Fiennes

Mr Wood prayed.

The Bill entituled An Act for renouncing and Disannulling the prtended Title of Charles Stuart &c. was this Day read the third time and vppon the Question passed.

Mr Baron Hill reports a Bill for Confirmacon of Sales made of the late Lands &c. of the king Queene and Prince Archbpps &c. wch was this Day read the first time and ordered to be read the second time on Thursday next

The Lord Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued vntill to morrow ten of the Clock in the morning.

Wednesday 23 March 1658.

Present

Lo. keep Fiennes
Lo. Keep Lisle

Lo. Presidt

Lo. Visct Howard
Lo. Visct Lisle
Lo. Cleypole
Lo. Disbrow

Lo. Lenthall
Lo. Wolseley

Phillip lo. Jones
Jo. Lo. Fiennes

Lord Onslow
Lo. Whalley
Lo. Honiwood
Lo. Roberts
Lo.

Lo. Pack
Lo. Tichburne
John Lo. Jones
Geo. Lo. Fleetwood
Lo. Hewson

Lo. Berry
Lo. Goffe

Mr Sterry prayed

The Bill entituled An Act of Indempnity was this day read the second time and vppon the Question Comitted to

Lo. keep Lisle
Lo. keep Whitelock
Lo. Presidt
Lo. Visct Howard
Lo. Visct Lisle
Lo. Cleypole
Lo. Disbrow
Lo. Glynn
Lo. Lenthall
Lo. Wolseley
Walter Lo. Strickland
Phillip Lo. Jones
John Lo. Fiennes

Lo. Onslow
Lo. Whalley
Lo. Roberts
Jo. Lo. Jones
Geo. Lo. Fleetwood
Lo. Hewson
Lo. Berry
Lo. Goffe

Lord Cheife Baron
Mr Baron Hill.

These Lords or any fiue of them are to meet on this bill on Friday morning next at nine of the Clock in the roome called the Princes lodgings.

Ordered That the Bill for Confirmac̃on of publique sales be read on Friday morning next

The Lord *keep* Fiennes by Consent of the Lords, declared this p^r^sent Parliam^t^ to be Continued vnto Friday morning next at ten of the Clock in the morning.

Friday 25 March 1659.

Present

Lo. keep Fiennes
Lisle
Whitelock
Lo. President
Lo. Cleypole
Lo. Disbrow
Lo. Glynn
Lo. Lenthall
Lo. Wolseley
Lo. Skippon
Walter Lo. Strickland
Philip Lo. Jones

Lo. Whalley
Lo. Roberts
Lo. Johnston
Lo. Pack
Lo. Tichburne
Geo. Lo. Fleetwood
Lo. Thomas
Lo. Hewson
Lo. Berry
Lo. Goffe

Mr. Peters prayed

That the Bill for [regulacon] *confirmac̃on* of Sales be read on Tuesday next.

The Lord keep Fiennes by Consent of the Lords Declared [this House] *this p^r^sent Parliam^t^* to be Continued vntill Tuesday next at ten of the Clock in the morning.

Twesday 29 March 1659.

Present

Lord Keeper Fiennes
Lisle
Lord Charles Fleetwood
Lo. President
Lord Viscount Howard
Lord Cleypole
Lord Disbrough
Ld. Chiefe Justice Glynn
Lord Lenthall
Lord Sydenham
Lord Skippon
Walter Lord Strickland
Philip Lord Jones

Lord Onslow
Lord Whalley
Lord Hampden
Lord Johnston
Lord Pack
Lord Titchborne
Jo. Lord Jones
Lo. Berkstead
Lo.
Lord Hewson
Lord Berry
Lord Goffe
Lord Cooper

Mr. Wood prayed.

The Bill for Confirmac̃on of Sales made of the late Landes &c. of the King Queene Prince Arch Bishops &c. was this day read the second time and vpon the Question comitted to

Ld. *keeper Lisle* Lord Viscount Howard	Lord Whalley
Lord Disbrow	Lord Pack
Lord Glynn	Lord Titchborne
Lord Lenthall	John Lord Jones
Walt. Lord Strickland	Lord Berry
Phi. Lord Jones	Lord Cooper
Lord Onslow	
assistants { L[d] Chiefe Baron; M[r] Baron Hill; M[r] Justice Newdegate	

These Lords are to meete on this Bill to morrow morning at Nine of the Clock in the Chamber called the Princes Lodginges.

The Lord Keeper Fiennes by consent of the Lordes declared this p̃sent Parliament to be continued vntill to morrow Morning at ten of the Clock.

Wednesday 30 March 1659.

Present

Lo. keep { Fiennes; Lisle	Lo. Onslow
Lo. Presid[t]	Lo. Whalley
	Lo. Hampden
	Lo. Roberts
	Lo. Ingoldsby
	Lo. Pack
Lo. Broghill	Lo. Tichburne
	Jo. Lo. Jones
Lo. Disbrow	
Lo. Glynne	Lo. Hewson
Lo. Lenthall	Lo. Thomas
Lo. Wolseley	Lo. Berry
Lo. Skippon	
Walt[r] Lo. Strickland	Lo. Coop
Philip Lo. Jones	

M[r] Sterry prayed.

Notice being taken of the absence of diũse of the Lords it was moved that a Day may be appointed for the calling of this House and that the Judges assistants and also the attendants of this House may be required to attend the service of the House

Ordered

That [the] all the Members of this House as also the Judges Assistants and the other Assistants of this House be required to giue their Dayly attendance vppon the service of this House.

The Question being ꝓpounded

That a day be appointed for the Calling of the house according to the Roll of Sum̃ons and the Question being put that that Question be now put it passed in the Negatiue

The [House] Lord Keep Fiennes by Consent of the Lords Declared this p[r]sent Parliam[t]

Thursday 31 March 1658*

Present

Lo. Keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
Lo. President	Lo. Hampden
Charles Lo. Fleetwood	Lo. Roberts
Lo. Viscᵗ Fauconberge	Lo. Johnston
	Lo. Ingoldsby
	Lo. Pack
Lord Disbrowe	Lo. Tichburne
Lo. Glynne	
Lo. Wolseley	Jo. Lo. Jones
Lo. Sidenham	
Walter Lo. Strickland	
Philip Lo. Jones	Lo. Goffe
	Lo. Cooper

Mr Howe prayed.

The Lord *keep* Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued vntill to morrow at ten of the Clock in the morning.

Friday the 1st of Aprill 1659.

Lo. keep Fiennes	
Lo. keep Whitelock	Lo. Onslow
	Lo. Whalley
Lo. Presidt	Lo. Hampden
Charles Lo. Fleetwood	Lo. Roberts
Lo. Viscount Howard	Lo. Johnston
	Lo. Ingoldsby
	Lo. Pack
Lord Cleypole	Lo. Tichburne
Lord Glinne	Jo. Lo. Jones
	Geo. Lord Fleetwood
Lo. Wolseley	Lo. Thomas
	Lo. Berry
Lo. Skippon	
Walter Lo. Strickland	Lord Goffe
Philip Lo. Jones	Lo. Cooper

Mr. Peters prayed

The Lord keep Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued till Munday at ten of the Clock in the morning.

Monday 4th of Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Whitlock	Lo. Whalley
Lo. Presidt	
Charles Lo. Fleetwood	Lo. Roberts
	Lo. Johnston
Lo. Viscount Howard	
Lo. Broghill	Jo. Lo. Jones
Lo. Cleypole	

* This should obviously be 1659.

Lo. Disbrow
Lo. Glynne
Lo. Lenthall
Lo. Tomlinson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Coop
Walter Lo. Strickland
Philip Lo. Jones

Mr Hooke prayed

The Lord keep Fiennes by Consent of the lords Declared this prsent Parliamt to be Continued till to morrow morning at ten of the Clock

Tewsday 5th of April 1659.

Present

Lord Keeper Fiennes
Lord Keeper Lisle
Lord Keeper Whitelock
Lord Presidt
Lord Broghill
Lo. Disbrow
Lo. Glynne
Lo. Lenthall
Lord Sydenham
Lord Skippon
Walter Lord Strickland
Philip Lord Jones
Lord Onslow
Lord Whalley
Lord Johnston
Jo. Lo. Jones
Geo. Lo. Fleetwood
Lo. Thomlinson
Lo. Thomas
Lo. Berry
Lo. Goffe

Mr How prayed

The Lord Keeper Fiennes by Consent of the Lords Declared this prsent Parliamt to be Continued vntill ten of the Clock to morrow morning.

Wednesday 6th of Aprill 1659.

Present

Lo. keep Fiennes
Lo. keep Lisle
Lo. President
Lo. Visct Howard
Lo. Broghill
Lo. Disbrow
Lo. Glynn
Lo. Lenthall
Lo. Wolseley
Lo. Sidenham
Lo. Skippon
Walter Lo. Strickland
Phillip Lo. Jones
Jo. Lo. Fiennes
Lo. Onslow
Lo. Whalley
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Jo. Lo. Jones
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe

Mr Sterry prayed.

The Lord keep Fiennes by Consent of the lords Declared this present Parliam^t^ to be continued till ten of the Clock to morrow morning.

Thursday 7^th^ of Aprill 1659

Present

Lo. Keeper Fiennes	Lo.
Lo. Keeper Whitelock	
	Lo. Whalley
Charles Lo. Fleetwood	
	Lo. Roberts
	Lo. Johnston
Lo. Broghill	Lo. Pack
	Lo. Tichburne
Lo. Disbrowe	John Lord Jones
Lo. Glynne	
Lo. Lenthall	
	Geo. Lo. Fleetwood
Lord Sidenham	
Lord Skippon	Lo. Hewson
Walter Lo. Strickland	Lo. Berry
Philip Lo. Jones	Lo. Goffe
John Lo. Fiennes	Lo. Cooper

M^r^ Lockier prayed

The Lord keep Fiennes by Consent of the lords Declared this p^r^sent Parliament to be Continued vntill ten of the Clock to morrow morning

Friday 8^th^ Aprill 1659.

Present

Lo. keep Fiennes	
Lo. keep Whitelock	Lo. Whalley
Lo. Presid^t^	
Charles Lo. Fleetwood	
Lo. Visc^t^ Howard	Lo Johnston
	Lo. Pack
Lo. Broghill	Lo. Tichburne
Lo. Disbrow	
Lo. Glynne	
Lo. Wolseley	
	Geo. Lo. Fleetwood
Lo. Sidenham	Lo. Tomlinson
Walter Lo. Strickland	Lo. Hewson
	Lo. Thomas
Jo. Lo. Fiennes	Lo. Berry
	Lo. Goffe
	Lo. Coop

M^r^ Howe prayed.

The Lord keep Fiennes Cõmunicates to the house that he hath received a Lr̃e from his Highnes the Lord Protector to be Cõmunicated to the house W^ch^ being Directed thus viz^t^. To Our right Trusty and right Welbeloued Nathaniel Lord Fiennes Speaker of the Lords House to be Cõmunicated to the House was by Consent of the Lords deliued

to the Clerke to be opened and was accordingly opened and read and was as followeth

Here enter the Lre

There was inclosed in the said Lr̃e a Parchm^{t} w^{ch} was also read being [as] in these words.

here entr the rep^{r}sen[strance] *tacon*

Ordered

That this House Doe on Monday next take in to Consideracõn the Matter of this Lr̃e so farre as Concernes this House

The Lord keep Fiennes by Consent of the lords Declared this p^{r}sent Parl to be Continued vntill ten of the Clock on Monday morning next.

Monday 11 Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
	Lo. Whalley
	Lo. Hampden
Lo. Presid^{t}	
Charles Lo. Fleetwood	
Lo. Viscount Howard	
	Lo. Johnston
Lo. Broghill	Lo. Ingoldsby
Lo. Disbrowe	Lo. Pack
Lo. Glynne	Lo. Tichburne
Lo. Lentball	John Lo. Jones
Lo. Wolseley	Geo. Lo. Fleetwood
Lo. Sidenham	Lo. Tomlinson
Wal. Lo. Strickland	
	Lo. Hewson
John Lo. Fiennes	Lo. Berry
	Lo. Goffe
	Lo. Cooper

M^{r} Rowe prayed.

The house according to former ord^{r} tooke vpp the Debate vppon his Highnes Lr̃e and the Copie of the Addresse and Representacõn therein inclosed.

Ordered

That it be [offe]referred to a Comittee to Consid^{r} of some necessary puision to be made for securing the Nation against the Comon

enemy and to offer the same to the house to morrow morning for their further Considacõn viz^{t}. to

Lo. keep Lisle	Lo. Strickland
Lo. Presid^{t}	Lo. Onslow
Charles Lo. Fleetwood	Lo. Whalley
Lo. Disbrow	Lo. Tichburne
Lo. Glinne	Jo. Lo. Jones
Lo. Lenthall	Geo. Lo. Fleetwood
Lord Sidenham	Le. Hewson
Lo. Skippon	Lo. Berry
	Lo. Goffe

These Lords or any Fiue of them are to meete this after noone in the Lord keeps lodgings.

The Lord keep Fiennes by Consent of the lords declared this p^{r}sent Parliam^{t} to be Continued vntill to morrow ten of the Clock in the morning.

Tuesday 12 Aprill 1659.

Present

Lord keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
Lo. keep Whitelock	Lo. Hampden
Lord President	Lo. Roberts
Charles Lo. Fleetwood	Lo. Johnston
	Lo. Ingoldsby
Lo. Visc^{t} Lisle	Lo. Pack
Lo. Broghill	Jo. Lo. Jones
Lo Disbrowe	
Lo. Gliune	Lo. Barkstead
Lo. Lenthall	Geo. Lo. Fleetwood
Lo. Wolseley	Lo. Tomlinson
Lo. Sidenham	Lo. Hewson
Lo. Skippon	*Lo. Thomas*
Wa. Lo. Strickland	Lo. Berry
Philip Lo. Jones	Lo. Goffe
Jo. Lo. Fiennes	Lo. Cooper

M^{r} White prayed.

The Lord Whalley repo^{rts} from the Coñittee appointed yesterday to meete and to consider of some necessary pvisions for securing the Nation against the Coñon Enemy that the said Coñittee haue met but [can] *could* not be ready wth such Repo^{rt} by the time limitted them.

Ordered that the said Lords Coñittees Doe meet againe this afternoone and bring in their Repo^{rt} to morrow morning

The Lord *keep* Fiennes by Consent of the lords Declared this p^{r}sent Parliam^{t} to be Continued vntill to morrow morning at ten of the Clock.

Wednesday 13 Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Hampden
Lo. keep Whitelock	Lo. Roberts
Lo. President	Lo. Pack
	Lo. Tichburne
Lo. Viscount Lisle	

Lo. Tomlinson
Lo. Broghill
Lo. Thomas
Lo. Wolseley

Lo. Skippon
Walter Lo. Strickland
Philip Lo. Jones
John Lord Fiennes

Mr Wood prayed

ORDERED
That the repo^rt from the Com^tee appointed to be made this Day be made to morrow morning

The Lord keep Fiennes by Consent of the lords Declared this p^rsent Parliam^t to be Continued till to morrow Morning ten of the Clock.

Thursday 14 Aprill 1659.

Present

Lo. keep Fiennes
Lo. keep Lisle
Lo. keep Whitelock
Lo. President
Lo. Viscount Lisle
Lo. Broghill
Lo. Disbrow
Lo.
Lo. Lenthall
Lo. Wolseley
Lo. Onslowe
Lo. Whalley
Lo. Hampden
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Jo. Lo. Jones
Lo. Barkstead
Lo. Berry
Lo. Goffe
Lo. Cooper
Lo. Skippon
Walter Lo. Strickland

Mr Pete^rs prayed

ORDERED That the Com̃ittee to whom the bill for Confirmac̃on of publique sales [WAS REFERRED] be revived and that they meete on Tuesday next at the vsually place and time.

A Bill entituled an Act for abolishing the Booke of Com̃on prayer was this Day read the first time, and appointed to be read the second time to morrow morning.

A Message was brought from the House of Com̃ons by Mr Grove and a great number of other Memb^rs of that house.

The Gentleman Vsher acquaints the House that Diu̅se Membe^rs of the house of Com̃ons are at the doore w^th a Message from that house wherevppon they were Called in and Mr Groue accompanied w^th many other Membe^rs being come to the Barre the Lord keep Fiennes and diu̅se of the lords went to the barre whither the Com̃ons being come [the] Mr Groue delivd his Message in these words

The Knights Citizens and Burgesses [of] in this p^rsent Parliam^t assembled haue sent vpp a Declarac̃on for a Fast wherein they desire the Concurrence of this House, and therevppon w^thdrew and [after] were againe Called in and received this answere

That this house hath taken their Message in to Consideraco̅n and will send an Answere by Messenge^rs of their owne.

The Declaracõn sent from the house of Comons entituled A DECLARATION of the Lord Protector and both Howses of Parliament for a Day of solemne fasting and Humiliation to be obserued in all places within the Comonwealth of England Scotland and Ireland vppon the 18th day of May 1659 was this Day read the first time and appointed to be taken in to further Consideracõn to morrow morning.

The lord keep Fiennes by Consent of the lords Declared this present Parliamt to be Continued till to morrow morning nine of the Clocke.

Friday the 15th of Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
	Lo. Hampden
Lo. Presidt	
Charles Lo. Fleetwood	
Lo. Visct Lisle	Lo. Johnston
	Lo. Ingoldsby
Lo. Disbrowe	Lo. Pack
Lo. [Lenth] Glynne	Lo. Tichburne
Lo. Lentball	Jo. Lo. Jones
	Lo. Barkstead
Lo. Sidenham	
Lo. Skippon	Lo. Thomas
Walter Lo. Strickland	Lo. Berry
Philip Lo. Jones	Lo. Goffe
John Lord Fieñes	Lo. Cooper

Mr Howe prayed

The Declaracõn entituled A Declaration of the Lord Protector and both Howses of Parliament for a Day of solemne Fasting and humiliation to be obserued in all places within the Comonwealth of England Scotland and Ireland vppon the eighteenth day of May 1659 was this Day read the second time.

The same was [resolued] read by parts and agreed vnto *these words, For though, in the 14th line.*

The Question being ppounded whither the house should be adjourned till Monday and the Question being put whether that Question should be now put [the] and [the] it being doubtfull wch way it was carried. the Lord Viscount Lisle and the Lord Whalley were appointed to take the votes vppon numbring whereof it appeared the greater numbr of Votes were for putting the Question wch was accordingly put and resolued in the Affirmatiue and therevppon

The Lord keep Fiennes according to the resolucõn of the lords Did Declare this prsent Parliamt to be Continued vntill nine of the Clock on Monday morning

Monday the 18th of Aprill 1659.

Lo. keep Fiennes	Jo. Lo. Fiennes
Lo. keep Lisle	Lo. Onslow
Lo. keep Whitelock	Lo. Whalley
Lo. Presidt	
Charles Lo. Fleetwood	
Lo. Visct Fauconberge	Lo. Roberts

Lo. Viscᵗ Howard
Lo. Viscᵗ Lisle

Lo. Broghill
Lo. Cleypole
Lo. Disbrow
Lo. Glynn
Lo. Lenthall

Lord Skippon
Walter Lord Strickland
Philip Lord Jones

Lo. Johnston
Lo Ingoldsby
Lo. Pack
Lo. Tichburne
Jo. Lord Jones
Lo. Tomlinson

Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Cooper

Mr Nye prayed

The Lord keep Lisle first of the Comittees for considing of some necessary ꝑuisions for securing the Nation against the Comon Enemy reporᵗˢ the draught of an Act enioyning Papists and other ꝑsons who haue borne Armes vndr the late king &c. to Depart out of the Cityes of London and Westmr &c. and ꝓhibiting Horseraces and Cockmatches. wch was read the first time and ordered to be read againe to morrow morning

The House resumed the Debate vppon the Declaracon for a Fast ꝓceeding therein by ꝑts begining with the Clause in the 14th line For though &c. wch was read

The house was resolved into a Grand Comtee

The House was resumed.

That Clause being agreed to be postponed. the other Clauses were read vnto these words And that wch makes these abhominacons the more Nationall &c. wch were also agreed to be postponed

The Clause begining thus And that wch makes these abhominacons &c. and ending thus infecting of others was read

Ordered That the Debate on this Clause be adjourned till to morrow morning

The Lord keep Fiennes by Consent of the lords Declared this prsent Parliamt to be continued till to morrow morning nine of the Clock

Tuesday 19 Aprill 1659.

Present

Lo. keep Fiennes
Lo. keep Lisle

Lo. Presidᵗ
Charles Lo. Fleetwood
Lo. Viscᵗ Fauconberge
Lo. Viscᵗ Howard
Lo. Viscᵗ Lisle

Lo. Broghill
Lo. Cleypole
Lo. Disbrowe
Lo. Glynne
Lo. Lenthall

Lo. Sydenham

Lo. Onslow
Lo. Whalley
Lo. Hampden
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne

John Lo. Jones

Lo. Tomlinson

Lo. Hewson
Lo. Thomas
Lo. Berry

Lo. Skippon
Walter Lo. Strickland
Philip Lo. Jones
Jo. Lo. Fiennes
Lo. Goffe
Lo. Coop

Mr Rowe prayed

An Act enioyning Papists and other psons who haue borne Armes vndr the late king &c. to depart out of the Cityes of London and Westmr &c. was this Day read the second time and Comitted to the same Comtee that brought it in and they or any Fiue of them are to meete this afternoone at three of the Clock in the Roome called the Lord Keepers lodgings.

Mr John Stephens brings from the house of Comons two Resolues of that house wherein they desire the Concurrence of this House

The Votes are as followeth vizt.

1. That during the sitting of the Parliamt, there shalbe no Generall Counsell or Meeting of the Officers of the Army without the direcc̃on leaue and authority of his Highnes the Lord Protector and both Howses of Parliament
2. That no person shall haue or Continue any Comaund or trust in any of the Armies or Navies of England, Scotland or Ireland or any the Dominions or Territoryes thereto belonging who shall refuse to subscribe That he will not disturbe nor interrupt the Free Meetings in Parliamt of any the Membrs of either house of Parliamt or their Freedome in their Debates and Councells.

wch after the Messengers were wthdrawne were read and vppon a vote passed they were againe Called in and this answere retorned that the Lords had taken the Message into Consideracc̃on and would retorne an Answr by Messengrs of their owne

The Question being ppounded.

That the Consideracc̃on of these Votes shalbe taken vpp without any other busines to intervene and the Question being put that that Question be now put and it being doubtfull by the Votes the Lord Viscount Lisle and Lo. Broghill were appointed to Count them who reportt that the affirmatiues [haue] were more then the negatiues and the maine Question being put it was

Resolued That the Considacc̃on of these Votes shalbe taken vpp without any other busines to intervene.

The Lord keep Fiennes by Consent of the Lords declared this [house] prsent Parliamt to be Continued vntill to morrow morning nine of the Clock.

Wednesday 20 Aprill 1659.

Present

Lo. keeper Fiennes
Lo. keep Lisle
Lo. keep Whitelock
Lo. President
Charles Lord Fleetwood
Lo. Viscte Fauconberge
Lo. Viscte Howard
Lo. Viscte Lisle
Lo. Broghill
Lo. Cleypole
Lo. Onslow
Lo. Whalley
Lo Hampden
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Jo. Lo. Jones
Lo. Barkstead
[Lo.]

Lo. Disbrowe
Lo. Glynne
Lo. Lenthall
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Hewson Lord Thomas
Lo. Sidenham
Lo. Skippon
Walter Lo. Strickland
Philip Lo. Jones
Jo. Lord Fiennes
Lo. Berry
Lo. Goffe
Lo. Cooper

Mr Wood prayed

Notice being taken that diverse of the Lords who were present yesterday are now absent the Lord keeper Fiennes by Consent of the Lords gaue direcc̃on to the Gentleman Vsher to send notice vnto such of the Lords [that] as can be met with that the house doth expect their presence.

The house according to the order yesterday tooke into Consideraco̅n the Votes brought from the house of Co̅mons the same being first both read and afterward the first of them againe read and Debate had therevppon

The Question being put

That this Debate be adjourned and it being a question wch way the Maior part of the Votes passed. the Lord Onslow and Lord Tichburne were appointed to number them and it was found to passe in the affirmatiue.

The Question being ꝓpounded

That the house be adiourned till three of the Clock this afternoone and the Question being put that that Question be now put and the voices being doubtfull the Lord Viscount Lisle and the Lord Hampden were appointed to number them and it was found to passe in the affirmatiue. and the maine Question being put it was resolued in the affirmatiue and accordingly the house was adjourned till three of the Clock in the afternoone.

Wednesday 20 Aprill 1659 pt merid.

Present.

Lo. keep Fiennes
Lo. keep Lisle
Lo. keep Whitelock
Lo. President
Charles Lo. Fleetwood
Lo. Visct Fauconberge
Lo. Visct Howard
Lo. Visct Lisle
Lo. Broghill
Lo. Cleypole
Lo. Disbrowe
Lo. Glynne
Lo. Lenthall
Lo. Sidenham
Lo. Skippon
Philip Lo. Jones
Jo. Lo. Fiennes
Lo. Onslow
Lo. Whalley
Lo. Hampden
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne
Jo. Lord Jones
Geo. Lo. Fleetwood
Lo. Tomlinson
Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Cooper

Mr Rowe prayed.

The house resumed the Debate [vpp] taken vpp in the morning and ordered that this Debate be adjourned till nine of the Clock to morrow morning.

The Lord keep Fiennes by Consent of the lords declared this p^rsent Parliam^t to be Continued vntill [to] nine of the Clock to morrow morning.

Thursday y^e 21 Aprill 1659.

Present

Lo. keep Fiennes
Lo. keep Lisle
Lo. keep Whitelock
Lo. Presid^t

Lo. Visc^t Fauconberge
Lo. Visc^t Howard
Lo. Visc^t Lisle
Lo. Broghill
Lo. Cleypole
Lo. Disbrowe
Lo. Glynne
Lo. Lenthal

Lo. Sidenham
Lo. Skippon
Walter Lo. Strickland
Philip Lo. Jones
Jo. Lo. Fiennes

Lo. Onslow
Lo. Whalley
Lo. Hampden
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack
Lo. Tichburne

Jo. Lo. Jones

Lo. Tomlinson

Lo. Hewson
Lo. Thomas
Lo. Berry
Lo. Goffe
Lo. Cooper

M^r Howe prayed

The Lord *keep* Fiennes by Consent of the lords Declared this p^rsent Parliam^t to be Continued vntill three of the Clock this afternoone

Thursday the 21^th of Aprill 1659 p^t merid.

Present

Lo. Keep Fiennes
Lo. keep Lisle
Lo. keep Whitelock
Lo. Presid^t

Lo. Visc^t Fauconberge
Lo. V
Lo. Visc^t Lisle
Lo. Broghill

Lo. Lenthall
Lo. Skippon

Philip Lo. Jones
Jo. Lo. Fiennes

Lo. Onslow
Lo. Whalley
Lo. Hampden
Lo. Roberts
Lo. Johnston
Lo. Ingoldsby
Lo. Pack

John Lo. [Fiennes] *Jones*
Lo. Barkstead
Lo. Thomas
Lo. Goffe

The Lord keep Lisle *offers a* repo^rt[s] from the Comittee to whom the bill for securing the Nation against the Comon enemy was Comitted seuall amendm^ts to the said Bill.

Notice being taken that the debate adjourned vppon the first of the Votes brought from the house of Comons was adjourned and nothing to intervene. and that it would be a breach of the ord^{r} to interpose this repo^{rt} without leaue of the house it was vppon the Question resolued that the said amendm^{ts} should be reported notwthstanding the former ord^{r} and therevppon the amendm^{ts} were reported and twice read and vppon the Quõn agreed

There being diuse blanks left in the Bill the house tooke into Debate the filling vpp thereof

Resolued vppon the Question that the blanke in the Fowerteenth line of the first folio in the Bill be filled vpp with these words. the first of May [next] 1659

Resolued that the blank in the Fifteenth line of the same folio be filled up with the word (three)

Resolued that the blanks in the 18 and 19th line of the same folio be filled vpp wth these words the first day of November then next following

Resolued that the blanke in the second line of the second folio be filled vpp wth these words (by or before the tenth day of May aforesaid) between the words doe and repaire.

Resolued that the blank in the 4th and 5th line of that folio be filled vp wth these words the said first day of November

Resolued that the blanks in the 15th and 16th lines of the same folio be filled vp wth these words. first day of May.

Resolued That the blankes in the 18 line of the same folio be filled vp with these words tenth of May aforesaid.

Resolued that the blanke in the 19th line of that folio be filled vpp with the word (Fiue)

Resolued that the blanke in the third line of the third folio be filled vpp wth these Words the first day of May aforesaid

Resolued that the blanke in the Fift line of the same folio be filled vpp with the words six Moneths.

Ordered. That this bill thus amended be ingrossed

Ordered

That the Debate vppon the Votes brought vpp from the house of Comons be adjourned till to morrow nine of the Clock in the morning.

The Lord keep Fiennes by Consent of the lords Declared this present Parliam^{t} to be Continued vntill to morrow morning nine of the Clock

Friday the 22th of April 1659.

Present

Lord Keeper Fiennes	Lo. Onslow
Lo. Keeper Lisle	Lo. Whalley
Lo. Keeper Whitelock	
Lo. Presid^{t}	Lord Roberts
Charles Lo. Fleetwood	Lo. Johnston
	Lo. Ingoldsby
Lord Visc^{t} Lisle	Lo. Pack
	Lo. Titchburne
	Jo. Lo. Jones

Lo. Disbrow	Geo. Lo. Fleetwood
Lo. Glynne	Lo. Tomlinson
Lo. Lenthall	Lo. Hewson
	Lo. Thomas
Lo. Skippon	Lo. Berry
Walt. Lo. Strickland	Lo. Goffe
Jo. Lo. Fiennes	Lo. Cooper

Mr Sterry prayed.

The Lord keep Fiennes acquaints the Lords that his Lopp hath received from his Highnes the Lord Protector a Comission vndr the great Seale directed to the said Lord keep Fiennes the Lord kep Lisle the Lord keep Whitelock the Lord Lawrence Lord Presidt of his Highnes Councell [Joh] *Charles* Lord Fleetwood John Lord Disbrowe and John Lord Jones or any three or more of them for the dissolving of this present Parliamt wherevppon the Lord keep Fiennes the Lord keep Lisle the Lord keep Whitelock the Lord Presidt the Lord Disbrow and John Lord Jones arose from their seats and placed themselues on a forme ouerthwart the house between the Chaire of State and the Woolsack whereon the Lord keep vseth to sitt. and the Gentleman Vsher was sent for the Comons.

The house taking notice that the Gentleman Vsher had stayed very long without retorning any answere,

Ordered That the Gentleman Vsher Doe knock at the Doore of the house of Comons and let them know he is required to Desire admittance or to retorne an [answere] *account* to this House.

The Gentleman Vsher retornes an account to the house that he went to the house of Comons and sent in word by the Srt at Armes attending that house that he was at the door but receiving no answere vppon the direccon he received from their Lopps he knocked at the doore but received no answere and now the house of Comons is risen.

The Comrs being *all of them* in their places on their seat the Lord keep Fiennes Declared that his Highnes having ordained his Parliamt to be holden and begin the 27th of January last have now thought fitt for Diulse vrgent causes to dissolue the same and for that purpose had graunted a Com to Certaine Lords Wch Comission the Lord keep Fiennes deliuled to the Clerke of the Parliamt who retorning to his accustomed place read it publiquely and therevppon the Comissionrs Did dissolue the Parliamt.

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